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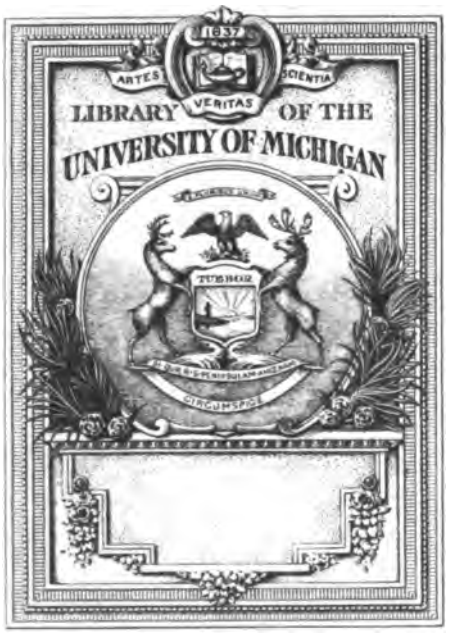
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VOLUME II

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LABOR LAWS AND THEIR ENFORCEMENT

WITH SPECIAL REFERENCE TO MASSACHUSETTS

BY

CHARLES E. PERSONS, MABEL PARTON, MABELLE MOSES
AND THREE "FELLOWS"

EDITED BY
SUSAN M. KINGSBURY, Ph.D.

ON THE FELLOWSHIP FOUNDATION OF THE
MASSACHUSETTS STATE FEDERATION OF WOMEN'S CLUBS
1905-1909

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LABOR LAWS AND THEIR ENFORCEMENT

WITH SPECIAL REFERENCE TO MASSACHUSETTS

STUDIES

PREFACE. By EDWIN F. GAY, Dean of School of Business Administration, Harvard University.

INTRODUCTION. By SUSAN M. KINGSBURY, Associate Professor of Economics, Simmons College, and Director of Department of Research, Women's Educational and Industrial Union.

CHAPTER I. THE EARLY HISTORY OF FACTORY LEGISLATION IN MASSACHUSETTS By CHARLES E. PERSONS, formerly Henry Bromfield Rogers Memorial Fellow, Harvard University, Instructor in Economics, Northwestern University.

CHAPTER II. UNREGULATED CONDITIONS IN WOMEN'S WORK. By MABEL PARTON, formerly Director, Department of Research, Women's Educational and Industrial Union, and CAROLINE MANNING, formerly Women's Educational and Industrial Union Fellow at Radcliffe College, Chief Tenement House Inspector, Philadelphia.

CHAPTER III. WEAKNESS OF THE MASSACHUSETTS CHILD LABOR LAWS. By GRACE F. WARD, formerly Women's Educational and Industrial Union Fellow at Radcliffe College, Instructor of History and Economics, Oxford College.

CHAPTER IV. ADMINISTRATION OF LABOR LEGISLATION IN THE UNITED STATES, WITH SPECIAL REFERENCE TO MASSACHUSETTS. By EDITH REEVES, formerly Women's Educational and Industrial Union Fellow at Radcliffe College, Investigator for Russell Sage Foundation, and CAROLINE MANNING.

CHAPTER V. LABOR LAWS OF MASSACHUSETTS, 1902–1910. By EDITH REEVES.

CHAPTER VI. THE REGULATION OF PRIVATE EMPLOYMENT AGENCIES IN THE UNITED STATES. By MABELLE MOSES, formerly Assistant Director, Department of Research, Women's Educational and Industrial Union, Instructor of History in Simmons College and Wellesley College.

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PREFACE

These studies, though by divers hands and of varied content, have a common purpose. They aim to give a clearer understanding of the development and present position of labor legislation in Massachusetts as a preliminary to further improvement of the law and its administration. They do not pretend to give a complete survey, nor do they make an attempt at formulating a social programme; the conditions under which these investigations were undertaken precluded any such ambition. But the approaches to a difficult problem, here made, from the historical, comparative, and critical sides, were not only worth making as a part of an apprenticeship in social investigation, they are of such permanent value that they are worth printing for the use of others who are studying the same problem. A foundation, tessellated, but firm so far as it goes, is here laid for further ameliorative, constructive work in the social legislation of the Commonwealth.

Such work was purposed by the women who set on foot an enterprise, one fruit of which is this book. In 1904 two organizations, the Massachusetts Federation of Women's Clubs and the Women's Educational and Industrial Union of Boston, combined their previously existing committees in a joint committee on the Industrial Conditions of Women and Children. Their aim was "to better the condition of women and children who work in shops and factories; to safeguard their present rights, and to strive for better legislation in their behalf," and they undertook to attain this object by securing fuller knowledge as a basis for initiating changes in the law or its administration, and a more widespread acquaintance with existing laws on the part of the three parties vitally concerned, the employers, the employees, and the public. The Committee appointed a special agent, Miss Mabel Parton, with assistants, to study various industries employing women, and to collect information necessary for the end in view. In 1905 there was organized, with Miss Parton as Director, the Department of Research of the Women's Educational and Industrial Union

which was to continue the study undertaken for the Industrial Committee and, in connection with this task, the results of which appear in Chapter II, it set at work a series of student investigators appointed to fellowships in co-operation with neighboring colleges.

The fellowship offered at Radcliffe College for the four years 1905–1909 by the Massachusetts Federation of Women's Clubs, and for 1909–1910 by the Women's Educational and Industrial Union, was held in turn by Miss Caroline Manning, Miss Grace F. Ward and Miss Edith Reeves. The holders of fellowships in the Department of Research of the Union are expected to co-operate in various lines of investigation there pursued, so that the papers of these fellows, here printed as Chapters II, III, IV, and V, represent only a portion of their work. Miss Manning among other things commenced a tabulation of the labor laws of the various American states. This work was verified and completed by Miss Reeves, who has drawn such conclusions concerning the efficiency of factory inspection in Massachusetts as the legislative evidence seems to warrant. Miss Ward in her paper has addressed herself to the problem raised by the administration of the age limits in the Massachusetts Child Labor Law. While these studies were being made at the Women's Educational and Industrial Union, Mr. Charles E. Persons had been independently investigating, as a graduate student in the Harvard Department of Economics, the history of factory legislation in Massachusetts and has contributed in Chapter I a fairly complete resumé of his results.

The regulation of agencies for distributing labor has also been one of the important subjects investigated by the Department of Research of the Union. The discussion of comparative legislation providing for licensing and control of private employment agencies, prepared by Miss Mabelle Moses while assistant director of the Department of Research will be of interest to those studying the enforcement of labor legislation, and is therefore included in this group.

The Legislative Reviews and summaries, published annually by the American Association for Labor Legislation used in conjunction with these comparative studies will serve to continue their utility as new legislation occurs. It must be noted that provi-

sions for enforcement of the law and not the substance of the law are primarily presented in these discussions. Such provisions are extremely elusive, especially with regard to penalties imposed.

Acknowledgment is here made of the courteous assistance of numerous employers, employees, and directors of state, city, and town departments who have so generously given of their time and labor to promote these investigations. Especially to Professor Albert Bushnell Hart, in whose research course a part of Miss Reeves' work was done, to Chief of the District Police, Captain Whitney, to Assistant Secretary of the Board of Health, Dr. Charles F. Hanson, and to the Commissioners of Labor Bureaus and officers of inspection and licensing departments of the several states of the United States is recognition due.

EDWIN F. GAY.

INTRODUCTION

Labor legislation has progressed in Massachusetts by four distinct stages:[1] (1) The period 1835–1874 chronicled the beginnings of labor legislation in that the right of the government to regulate the relation between employer and employee was acknowledged. The movement centered about the limitation of hours of labor. (2) The recognition of responsibility for executing that regulation marked the period from 1874–1887, when the machinery for enforcement of labor laws was introduced. (3) The years 1887–1900 witnessed the application of the principle to the protection of life and limb from the more apparent dangers of accident such as come from machinery and fire, unsafe buildings, bad sanitation, and physical inferiority. (4) Since 1900 the period may be characterized as one of effort for protection of the industrial workers from the more subtle evils of dangerous trades, the lack of apprentice opportunities, and economic inequality.

In each period the object of legislation has been twofold — first, to protect the worker from such conditions of labor as will make him economically dependent whether it be from too long hours of service, or from bodily injury, or from that which may make for physical and mental deterioration; second, to secure to the worker the opportunity for increasing his economic powers, whether by giving him time for self-improvement, or the bodily soundness and strength necessary for self-development, or the elements of hygiene, education and social ideals which shall aid him to improve his standards of living.

In the first forty years of labor legislation, the tangible results accomplished, as related in the first study of this series, were, a requirement as to schooling, age and hours of employment of

[1] A summary of the laws passed from 1902–1910 will be found in chapter V, forming a supplement to the list of laws 1836 to 1900 published by Miss Whittelsey in *Massachusetts Labor Legislation*. Thus the two lists give a summary of all labor laws passed by the Massachusetts Legislature from 1836 to the present date. For a discussion of the later laws, see F. Spencer Baldwin, "Recent Massachusetts Labor Legislation" in *Annals of the American Academy of Political and Social Science*, vol. 33, No. 2 (March, 1909), p. 63ff.

children and, a natural outcome of child labor laws, the restriction of the hours of labor in factories for all workers.

The legislation of the second period, from 1874–1887, is not as distinctive as in the other periods. It seems to have been characterized by the effort to reframe the laws so as to make them effective along the lines already followed and to create a system of maintaining that efficiency, rather than to extend the laws along new lines. Thus we find the child labor regulations have to do with the scheme of certification of children who are at work, in order to compel the enforcement of the law. Similarly, the legislation bearing upon the hours of labor requires the posting of notices, and applies the sixty hour law for women and minors to mechanical and mercantile establishments.

The new important legislation of the period develops a scheme of inspection within the police department, to enforce safety requirements and the laws relative to women and minors. This was to be done by detailing state detectives of district police officers to act as inspectors — an increase in number of such officers being made without designation of duties whether of detection or of inspection. Such duties pertained to the child labor laws, to certain protective laws as to boilers and engines which were placed on the statute books as early as 1845, but which made slight progress between 1877 and 1895, to certain simple laws with regard to protection of dangerous machinery, fire escapes and exits, storage of explosives, and to rather extensive regulations as to safety of employees on railroads. In the latter regulations appear the beginnings of the scheme for protection against accident which matures in the third period. In the meantime, the truant officers were also given the duty of visiting factories and reporting violations of child labor laws to the school committee. It is by no means an insignificant fact that the attempt to develop schemes for efficient administration of hours of labor and protection of women and children should have gone hand in hand with the struggle for rights of incorporation on the part of the labor unions.

The part played by the labor party and labor organizations outlined by Mr. Persons in his study of the origins of labor legislation, found a counterpart in their efforts during the following decade to secure the results of the victory won by the earlier forty

years' effort. The third period witnessed great legislative advance, not only along the lines already commenced but along many new lines. That it should have followed upon the legal recognition of trade unions in 1887 and 1888 is worthy of consideration and presents a field for further investigation. Regulations as to child labor, street trades, hours for meal time and night labor, fire, building permits, sanitation in factories, employer's liability, wage payments and fines and provision for a state board of arbitration — these measures were not only greatly improved but many of them were introduced for the first time in 1886, 1887 or 1888. At the same time the inspection department of the district police was separated from the detective department and the number of inspectors designated as ten. Here is the culmination of legal protection against danger and accident and night work, more definite and systematic regulation for meal hours and at the same time better provision for inspection to secure enforcement. But chiefly appears the initiation of preventive measures for the requirement of sanitation in factories, and of permits for building construction to secure better and safer conditions. All through the list is felt the spirit of a victory won — the imposing of an obligation on the state to require and to enforce safety, health, and independence which shall make for fair play and economic liberty.

The legislation of the period since 1900 has been but a continuation, a wider application of the principles recognized in the preceding period, but it has taken on a deeper significance and a more constructive form. This spirit has followed five lines of procedure: first, more specific and intensive legislation along the lines already commenced; second, the provision for constructive legislation along sanitary lines, both to prohibit conditions which engender disease where possible and to prevent the appearance of disease by teaching the worker to avoid industries dangerous to him; third, the demand that the laws already passed should not apply to the larger manufactories and the masses of workers only, but should be so extended and enforced as to protect workers in all places of industry, whether large or small, or wherever protection is needed; fourth, the education of the industrial worker to secure his economic liberty by providing him with the means of trade education, by giving him a knowledge of fair and safe means of

saving, by helping him to a knowledge of laws and institutions for protection, and by assuring him equality of opportunity for employment; fifth, the appointment of a commission in 1910 to study the general subject of the inspection of factories, workshops, mercantile establishments, and other buildings.

Legislation naturally follows the dictates of human interest and concern and the function of the Women's Educational and Industrial Union — to protect and improve the industrial conditions of women — has led it to take an active part in the development of labor regulations during the last decade. The papers comprising this volume are the outcome of such activity, and are here printed as of historical and, we hope, constructive value.

The studies of rubber factories and of cordage and twine factories in 1905 contributed much to the line of progress in legislation in the last ten years, and together with the investigation of restaurants, shops and other places of employment may be said to have been largely responsible for the advancement in sanitary inspection and extended application of the law to smaller factories and shops and restaurants in 1907. The publication of a simplified statement of laws affecting women and children and the effort to secure uniform and progressive legislation for licensing and inspection of employment offices have been the contributions of the Women's Educational and Industrial Union to the fourth line of development — the education of the worker. But perhaps the most important part this institution has played has been in connection with the passage of two bills by the legislature of 1910. One provided for a commission to investigate factory legislation and inspection, the studies of comparative legislation throughout the United States presented in the fourth chapter of this book together with knowledge gained by working in factories contributing largely to this end, and the other for a commission to consider licensing of intelligent offices, the campaign for which was based on an investigation of conditions in Massachusetts and the study of comparative systems in the United States, given in chapter six of this volume. It is to be hoped that the reports of these two commissions will result in legislation which shall mean that the new era will solve this difficult problem of administration.

SUSAN M. KINGSBURY.

CHAPTER I

THE EARLY HISTORY OF FACTORY LEGISLATION IN MASSACHUSETTS

(From 1825 to the Passage of the Ten-Hour Law in 1874)

CHARLES E. PERSONS

LABOR LAWS AND THEIR ENFORCEMENT

I

AGITATION FOR SHORTER HOURS — CHILD LABOR LEGISLATION — 1825–1840

This study of the early history of factory legislation in Massachusetts is intended to cover the period from 1825 to the passage of the Ten-Hour Law in 1874. The later period has been covered by the well-known study of Sarah Whittelsey and the more recent writings of F. Spencer Baldwin. In the fifty years treated, it will be found that the chief interest centered in the question of the hours of labor for minors and adults. Incidentally some provisions requiring school attendance were secured but through the entire period it was the desire to shorten hours that kept the movement alive. Accordingly, first place has been given to this feature in the discussion following.

The Commonwealth of Massachusetts was first among American states to place laws upon its statute books for the protection of factory workers. As compared with English action, this movement in America was a tardy one. However, a fairer basis of comparison would seem to be the relation of the enactment of factory acts to the introduction of the factory system. So judged, legislation in Massachusetts came fairly early. The earliest spinning mills were established in the last decade of the eighteenth century, following the successful experiments of Samuel Slater in Rhode Island. But mills completely equipped for the manufacture of cloth date later than the war of 1812. Specifically, they follow the pioneer establishment at Waltham in 1814. Lowell, the first American factory town, was not founded until

after 1822. Before its advent, the industrial revolution in America can hardly be said to have gone beyond the preliminary stages. Yet, during the infancy of the city, we find evidence of a movement having for its object legislation to regulate the condition of factory labor in Massachusetts. As early as 1825, the Senate [1] investigated the question of child labor. The committee endeavored to determine the extent of child employment, the length of the working day, and the effect of such labor on the education of the factory children. In so investigating, Massachusetts was following an example set by the state of Pennsylvania in the preceding year. Both states were doubtless largely influenced by the example of England. There, in 1819, after agitation extending over the early years of the century, a law was passed limiting the hours of labor for children in the cotton mills to twelve daily. In the very year of the Massachusetts report, this act was strengthened and extended by amendment and the working time further reduced by providing for a short Saturday of nine hours.

With this example before them, the Commonwealth was further stirred to action in response to a movement among her own citizens. These men, under the capable leadership of James G. Carter, were working for the expansion of the common school system which had long been neglected. Carter was to be directly concerned in the enactment, a decade later, of the first child labor law of the state. We find him writing in 1824: [2] "And it seems to be conceded on all hands, by the friends as well as the enemies of freedom, that a government like our own can only exist among a people generally enlightened; the only question as to the permanency of free institutions being, whether it is possible to make and keep the *whole* population of a nation so well educated as the existence of such institutions supposes and requires." There was much more in the same strain, and we are assured that the original articles attracted a large degree of attention. Perhaps they gained something in popular interest because the doctrine of universal education was coupled with the prevalent Malthusian

[1] See the manuscript report in the Massachusetts Archives, No. 8074. It is accompanied by several of the original letters.

[2] *Essays on Popular Education.*

theories of population. We read: "Upon the subject of popular education a *free* government must be *arbitrary*. For its existence depends upon it. The more ignorant and degraded people are, the less do they feel the want of instruction; and the less will they seek it; and these are the classes of the community which always increase the fastest up to the very point where the means of subsistence fail. . . . If suffered to remain in ignorance . . . they will increase in greater ratio than the more enlightened classes. . . . What then hinders a revolution?"

Moved by such considerations and acting in response to a suggestion in the governor's speech, a joint resolution passed the Senate and House and was approved by Governor Levi Lincoln on February 25, 1825. It was entitled:[1] "A Resolve in Relation to Children Employed in Factories," and called on the selectmen in the towns and the mayor and aldermen of Boston to report to the secretary of the Commonwealth. They were asked to state "the number of persons of each sex, under sixteen years of age, employed by any incorporated manufacturing company within the town or city, setting forth the time during which they are usually kept at work, and the opportunities allowed as well as the means provided for their education." On the basis of the returns secured, the Senate committee on education submitted a written report on the 16th of June following, accompanied by an abstract of the reports of the selectmen. The abstract showed a total of 978 children under sixteen employed in the factories of the 37 towns reporting. Of this number 382 were boys and 596 girls. Towns employing the largest numbers were: Seekonk, with 59 boys and 80 girls; Troy, *i.e.*, Fall River, with 34 boys and 69 girls; Taunton, with 29 and 61, respectively; Wellington, 42 and 45; Waltham, 17 and 59; and Chelmsford, *i.e.*, Lowell, 3 boys and 51 girls. It is probable that the returns were incomplete, and there are no statistics to show the total number of factory employees in Massachusetts in 1825. We cannot, therefore, be certain what percentage of the entire working force of the factories were children. It seems clearly evident, however, that conditions were immeasurably above the English level. The agent of the factories at Ware stated that of 108 females employed

[1] *Massachusetts Yeoman*, April 27, 1825.

only 9 were under 16, and only 4 of 31 males. The selectmen add that none is under 12. Elsewhere we find that of 1,200 employees in the six cotton mills at Lowell in 1827, nine tenths were females, of whom none was under 12, and but 20 from 12 to 14. A competent authority[1] wrote from Troy in the same year that 10 per cent of the operatives might be less than 15 years old. He adds: "Children under ten are generally unprofitable at any price, and it is very seldom that they are employed unless their parents work in the mill, and they are brought in to do light chores or some very light work, such as setting spools in the frame or piecing rolls." The Waltham report in 1825 was careful to state that "the general rule was to employ none under 14 except for special reasons." At this period the legal age of employment in England was no more than nine years. In view of the evidence, the Massachusetts mills of 1825 cannot be acquitted of the evil of child labor. Still, compared with English mills, the proportion was small. Judged by the prevailing standards in other industries, the age of employment was not excessively low. While more girls than boys below the age of sixteen were found, this is probably due to the preponderance of female operatives in the factories, as indicated by the statement in regard to Lowell in 1827. In the same city so late as 1833, of a total of 5,730 employees, 4,575 were females and but 1,155 males.

We have seen that the investigation was largely inspired by anxiety lest the factories, through the constant employment of children, should foster the formation of an uneducated class. On this point the evidence of the returns was clear and positive. Not much need be said of the general trend of the report and only one conclusion is possible, viz., that so far as the children were employed in the mills, they were excluded from opportunities to acquire an education.

On the subject of the hours of labor, the statement of the abstract seems to be in need of careful interpretation. In the majority of the towns covered the hours are stated as twelve daily. At best, this can only be interpreted as an estimate of the average hours per day for the entire year. At the worst, it indicates a desire, by no means praiseworthy, on the part of the

[1] Jedediah Tracy, *White's Memoir of Samuel Slater*, p. 128 et seq.

Senate committee to conceal the real conditions in the mills, and square the American practice with the recently passed English statute. Thus they might hope to acquit the American mill owner at the bar of public opinion. To illustrate, Franklin reported 4 boys and 2 girls at work in factories, and the abstract gave the hours as 12 daily. Yet the letter from that town accompanying the report states: "They work in the mill one half of the season from sunrise to eight o'clock evening, the other half as soon and as long as they can see to work." The mill agent writing the letter adds: "On Sunday all have an opportunity for schooling." For Troy the abstract states that the 103 children employed work "all day," but the agent's letter stated the hours explicitly. It reads: "In the winter season these persons (*i.e.*, the children) begin to work as soon as they can see in the morning and work until half past seven in the evening, and are allowed half an hour for breakfast and half an hour for dinner. In the summer season they begin to work at sunrise in the morning and work until sunset at night, are allowed half an hour for breakfast, and three quarters of an hour for dinner, and take their supper in winter and summer after they have done working in the evening."

Whenever the abstract departs from a statement of average hours the intimation is that the Troy plan is the one generally followed. Thus the 11 children at Duxborough worked from sunrise to sunset, or from 5 A.M. to 7:30 P.M.; 4 girls at Lancaster worked in summer time from 5 A.M. to 7 P.M. with an hour and a quarter free time for meals; 24 children in a Southbridge mill worked 10 to 14 hours daily; the 139 children reported from Seekonk, 12, 12½, and 13 hours daily, varying in different establishments; and, finally, the 87 working children in Wellington worked from sunrise to sunset with time allowed for meals. Confirmation comes from an independent source in the report of Captain Basil Hall, who visited Lowell in 1828. He wrote of the operatives there: "They work only from daylight to dark, having half an hour for breakfast and as long for dinner."

Nothing need be said in these more enlightened days by way of condemnation of the child slavery revealed by the report. A system of hours which confined children from sun to sun through six days of the week, with the scantiest possible time allowed for

meals and rest, merits the severest condemnation. Limits to the working time were fixed by the presence of sunlight, and with no reference to the requirements of the operative. A clear conception of the system of hours enforced in the earlier Massachusetts factories goes far to explain the persistence of the subsequent agitation for shorter hours. It can only be said in apology that the work required of children was light, consisting in piecing rolls and replacing full bobbins on the spinning frames. Their work was not continuous, half of each hour might be free. There were no night workers, and there is no reliable evidence to show that they were treated in any other than the kindest manner by their employers and overseers. Further, it must be remembered that factory hours were the same as those in other industries. Humane employers were not lacking, in 1825, to "deplore the policy which confines and constrains small children during the working hours of a long day, and consequently excludes them from the benefits of school."

The written report of the senatorial committee closed the incident. The members were not sufficiently impressed by the condition revealed to cause them to recommend restrictive legislation. They expressed themselves as "not aware that any interposition by the legislature at present is necessary, but they deem it important that its members, in their private and public capacity, should see that the requirements of existing laws are respected and enforced." Two recommendations were added: "(1) The establishment of an institution for the education of the laboring classes in the practical arts and sciences. (2) The care of young people engaged in manufacturing establishments, whose constant occupation in their daily tasks may gather round them a crust of ignorance as to all other concerns." This they feel is a subject always deserving the parental care of a vigilant government, but the members "are not prepared to submit any specific propositions which could be acted upon at the present session. They therefore report that the further consideration of said interests be referred to the next session of this general court."

After this fiasco there seems to have been no discussion in the legislature on the subject of factory regulation for a period of more than ten years. This does not mean that agitation ceased,

for there is good evidence of a healthy state of public opinion on the possible dangers of factory employment to health and morals, as also on the subject of the employment of children through excessive hours. It is evident that the contemporaneous disclosures of moral degradation and child slavery in the English mills were ever present in the public mind. The factories were on trial at the bar of public opinion, and the burden of proof was forced upon them. An indication that this was a live subject in America before 1836 is found in the inclusion of a chapter on the "Moral Influences of Manufactories," in *White's Memoir of Samuel Slater*, published in that year. The author addressed a circular to several heads of manufacturing establishments in New England inquiring, among other things, of the existence of child labor laws, and if in the opinion of the employer such laws would not prove salutary. He asked further: "What is the age of children and what effect has their employment on their opportunities for acquiring an education? What hours are operatives employed?" It is noteworthy also in view of later developments that White included an inquiry as to the health of factory operatives, indicating that this phase of the factory controversy had aroused discussion in America at an early date. His thirteenth question reads: "Is it supposed that those persons employed in cotton and woolen manufactories are equally healthy with such as pursue agriculture? If so, can you mention any facts in corroboration?" Of the few answers printed, some are dated as early as 1827. They contain little further information. An unprejudiced viewpoint was hardly to be expected. The statement is that there are no restrictive child labor laws in the northern or eastern states, nor, in the opinion of the employers, any occasion for them since "public opinion, with the independent feeling of parent and guardian, would prevent abuse should it be attempted." The claim is made that more attention is paid to schooling children in manufacturing villages than in districts of other employments. One notes that it does not necessarily follow that the child laborers are benefited. The factory hours are stated as twelve per day as an average through the year. This is by common consent of both parties. As might be expected, the employers are not troubled by fears that the employment might be detrimental to the health of the laborers.

Outside of legislative halls and aside from bookish discussion, agitation for restriction on factory employment was active during the thirties. Three organizations, each short-lived, contributed to the movement. The first of these, the Workingman's Party, had a twofold influence, touching both the question of child labor and that of shorter hours. To this result the peculiar circumstances of the origin and organization of the body contributed. The party[1] originated in Philadelphia, in 1827, as the outcome of an unsuccessful strike for a ten-hour day on the part of the carpenters. In New York, two years later, a branch of the party was formed as a result of a meeting called to protest against the lengthening of the working day. The statement is that at that time many artisans in New York were working only ten hours. At this time, Robert Dale Owen and Frances Wright were editing the "Free Enquirer" in that city. Owen aspired to leadership in the new party, and succeeded in gaining control for a short period. Miss Wright was closely associated with him, both in public thought, and in the active work of disseminating their peculiar doctrines and advancing the interests of the labor party. They placed all reliance on a Spartan system of education. Under their plan all children were to be fed, clothed and lodged at the expense of the state; all to dress alike and eat at common tables. Carter had urged the necessity of universal education as essential to the safety of the republic. These new apostles, fresh from their socialistic experiments, preached the doctrine that free and universal education would result in the regeneration of mankind. In their opinion, it was the one measure by which working men and women might most surely be raised to equality with other classes. The name of Miss Wright was most frequently coupled with the Massachusetts branch of the Workingman's Party. Both she and Owen visited Boston during 1829 and 1830.

It is difficult to make any definite statement as to the extent and importance of the new party. There is mention of its existence in Massachusetts through the years 1830 to 1833. In the first of these years, it is said[2] "to have made its appearance and

[1] See an article by John R. Commons, *Quarterly Journal of Economics*, February, 1907, "Labor Organizations and Labor Politics."

[2] *Massachusetts Yeoman*, Aug. 21, 1830, and Jan. 22, 1831.

been duly organized in large districts of the United States." The list of its principles includes: "abolition of imprisonment for debt; a mechanic's lien law; banking reform; reduction of the fees of professional men to a fair level with the wage of laboring men; and to make provision by law for the education of all classes." All of these objects were to be accomplished through the medium of the ballot box. In 1833 the Workingman's Party in Lowell nominated a full legislative ticket. They also endorsed the candidacy of Honorable Samuel C. Allen for governor. One of their nominees, Samuel Howard, whose name had appeared on the Jackson and Liberal tickets as well, was the only representative returned from Lowell that year. The General Court is said to have contained seven workingmen. The available information is meagre, but it seems evident that the party achieved no extensive or stable organization in Massachusetts. Its presence in the state, as elsewhere, was an expression of the prevailing political ferment, which resulted in many abortive attempts to launch new parties. Where mention of the party is found it is almost invariably coupled with discussions of the hours of labor and the education of the working classes. For this reason it assumes importance in the history of the agitation for factory legislation.

An organization of a distinctly different type was the New England Association of Farmers, Mechanics, and other Workingmen, which met in Boston in each of the years 1831, 1832 and 1833, and in Northampton in 1834. The first meeting attracted little notice, but of the second, that of 1832, a comparatively full record [1] has been preserved. In that year Charles Douglass of New London was president of the association and delegates were present from all the New England states except Vermont. The proceedings extended over three days and the discussion covered ten main points. They were looking forward to an organization covering New England; were considering the expediency of a national convention of workingmen; wished to establish lyceums; demanded reform in the militia system; in banks and other monopolies; the abolition of imprisonment for debt; extension of the right of suffrage; and a mechanic's lien law. The fifth and seventh topics in their program may be given

[1] See Massachusetts Bureau of Statistics of Labor, *First Annual Report*, p. 94 et seq.

in full. The fifth proposes: "The consideration of the ten-hour system, and whether it is expedient for this convention to make its adoption by their associates indispensable, or to leave it to the discretion of the various associations of New England;" and the seventh, "The improvement of the present systems of education among the people, and particularly the recommendation of such legislative enactment in relation to the internal economy of factories as will ensure to the operatives therein a competent degree of instruction, corresponding to that already enforced throughout New England by its ancient and approved system of school legislation." In the meeting of the following year, committees were appointed, among others, on education; on the condition of children in factories; and on the condition of working women.

There is evidence of considerable interest and agitation in the wage-earning class. Interest was sufficiently strong to support a periodical, *The New England Artisan*, edited by Douglass, and perhaps the first labor paper in this section. The movement to shorten hours, in particular, is stated to have been general and to have met universal approbation. Meetings were held in various parts of New England where resolutions were adopted declaring that ten hours ought to constitute a day's work. In Lowell, where the political organization of workingmen was strong, a society auxiliary to the New England Association was formed in March, 1832. The constitution adopted, if we may believe the published account,[1] enjoined upon the members not to work more than ten hours a day, commencing March 20, 1833, and not to vote for any man for office unless he be friendly to the interests of the workingmen. Moreover, the movement for shorter hours scored successes in Lowell, South Boston, and at Wheeler's Point. The cases reported affected mechanics for the most part, but the good effect of the example would be no less potent in the general agitation. In Boston a combination of journeymen carpenters and caulkers met an unexpected obstacle in their efforts to shorten their hours. An association[2] of Boston merchants was formed numbering over one hundred, and said to have

[1] See *Lowell Journal*, March 2, 1832.

[2] See Seth Luther's *Address*, p. 34, and Appendix B. *Cf.* Geo. E. McNeill, *Labor Movement in America*, p. 80.

provided a fund of $20,000. They strengthened the opposition of the master carpenters by threats to withhold their trade from any one who yielded to the demands of his men.

It remains to mention one further organization of wage-earners that was active during this early period of agitation, the Boston Trades Union, formed in March, 1834, with 16 branches. It is stated that the organization followed a plan previously instituted in New York, Philadelphia and Baltimore. The movement in America was doubtless a reflection of the English Trades Union activity of the time. The Boston Trades Union issued a "Declaration of Rights" in June which states their intention to elevate the working classes by "constitutional, peaceable, and legal means;" and places among their demands common schools accessible to all. On July 4th they organized a celebration with an oration by Frederick Robinson, delivered on Fort Hill to an audience estimated at 2,000.[1] In this same year a Trades Union National Convention was held at Washington, lasting for several days. Here the Massachusetts delegates were prominent. On the third day it was voted that a committee be appointed to prepare a statement of the best means to be used to prevent the lowering of wages and ensure the reduction of the hours of labor. This committee recommended the formation of trades unions and the dissemination of information. The question of factory conditions was also discussed.

Some account of these early discussions will be helpful in forming an idea of the extent and character of the movement. We turn first to Seth Luther's well known *Address to the Workingmen of New England*, delivered at various points in New England in 1832; subsequently printed in pamphlet form and widely advertised and distributed. The address contains a bitter and not always just attack on manufacturing establishments which in the opinion of the author are "extinguishing the flame of knowledge." It is stated that the mills "generally in New England run 13 hours, the years round, that is, actual labor for all hands; to which add one hour for meals, making 14 hours" per day. The address continues: "The owners of the mills oppose all reduction in the hours of labor for the purpose of mental culture.

[1] See the Appendices to Robinson's Oration, published in 1834.

Not that they care about the hours of labor in *cities*, but they fear the 'contagion' will reach their *Slave Mills*. Hence they go into the shops of the carpenter and others who carry on business, and actually forbid them to employ what they sneeringly call 'ten-hour men,' telling the employer, 'you shall not have our work unless you do what we say.'" Throughout the address there is much mention of conditions in English mills, and the knowledge displayed suggests that Luther himself may have been an English emigrant.

In the oration by Robinson, previously mentioned, the general tone is high, though he falls at times into intemperate expressions, as, for example, when he characterizes the incorporated companies as "This Hydra of the adversary which has within a few years grown up around us until the monster covers the whole land." He demands "equal mental and physical education for all at the expense of all." His theoretical justification for the shortening of hours is important, and worthy of quotation in view of the rôle it was destined to play in other hands and in a somewhat different form at a later stage in the movement. He says: "How important (are the Trades Unions) for the purpose of seeing that no more is produced than barely enough to supply the demand. It should be the first object of the members of every productive employment to ascertain the actual daily and yearly consumption of the articles they produce, and to regulate their hours of labor in such accordance therewith as merely to supply the demand. When the market is not oversupplied, the producer has the power of setting any reasonable price on his labor. But it is impossible for trade unions, or any other power, to keep up prices when the market is glutted; for in such case the producer loses his natural and rightful control over the price of his own labor, and the nonproducer fixes the price."

On the legislation to be secured the orator expressed radical, not to say extravagant, views: "All legislative power," he says, "is in our hands; . . . we are the natural guardians of the other, the weaker and the better half of our own species. . . . However much we have borne from the aristocracy in every age, our mothers, our wives, our sisters, our daughters have been still more abused. Their suffering calls for our immediate inter-

position and we ought never to rest until we regulate the hours of their labor in factories by direct legislation; until we make it a crime to work . . . more than six hours a day." It is significant that he reminds his hearers that "England has already been legislating."

The most prominent and active leader of the legislation at this time was Charles Douglass, editor of the recognized journal of the movement, *The New England Artisan*. Robinson had spoken to the assembled Trades Unionists. Douglass went to the factory and addressed the operatives. He reports[1] himself as "having had the pleasure of making some remarks to a large number of females engaged in productive employments, assembled at the Jefferson Hall, in Lowell" (in 1834). "Our subject," he writes, "was the necessity of the working class doing all in their power to improve their present condition. . . . As the first and most important step in this path, we insisted upon the necessity of their taking immediate measures to diminish their hours of labor so as to afford them ample time for mental improvement and for healthful exercise in the open air.

"We contended that eight hours a day was time enough to devote to regular productive labor. That this quantity of labor was as much as the human constitution could bear with impunity for any considerable length of time, that all beyond this was bodily destroying toil, which should never be performed merely to satisfy the unjust and unreasonable demands of avaricious employers.

"Health, we declared, was the first and greatest of blessings. To trifle with this was to disregard the requirements of the Deity, and to set at naught his merciful designs. The influence of insatiable avarice, we contended, was truly alarming to the working classes, and required from them a determined and timely opposition."

Douglass was the leader in introducing this subject of factory conditions in the Trades Union National Convention in 1834. The report[2] of his speech on this occasion indicates that it was

[1] See *The Man*, March 26, 1834. It is quoting *The New England Artisan*.

[2] *The Man*, Sept. 17, 1834. It is quoting the *Trades Union*. *Cf.* the account in the *Lowell Journal*, Oct. 8, 1834.

much more intemperate than his Lowell effort. He observed that "in the single village of Lowell, there were about four thousand females of various ages now dragging out a life of slavery and wretchedness," whose condition he depicted in a strong light, telling of the "increase of deformity and disease, from an excess of labor, want of outdoor exercise, and of good air," — of the "prevalence of depravity from their exposed situation and their want of education." He has a clear idea as to the necessary remedy, — "We must go before our legislatures and expose 'these beings,' not to use a harsher term, who destroy life for gain, who make their enormous percentage at a yearly expense of hundreds of lives. They must be forced to shut their mills at a regular hour; there must be a regular time over which they must not work; that all the inmates may have an opportunity to rest their weary limbs, and to enjoy free and wholesome air." The discussion following was fully unanimous in supporting the position taken by Douglass. Needless to say, the picture drawn of Lowell conditions is much exaggerated. The account suggests that the imagination of the speakers had been excited by the current English discussions and revelations. Oastler's letters headed "Slavery in Yorkshire" had been published in 1830, and the period 1830 to 1833 was perhaps that of greatest excitement in England. One suspects that the speakers may have had personal experience of English conditions and that they were speaking with images in their minds drawn at first or second hand from English, rather than from American, sources.

To the foregoing expressions of Douglass may be added his effort at theoretical support of the agitation. It is closely comparable with Robinson's statement and appears at a later date in an expanded and elaborated form. Douglass asserts that "the number of hours that constitute a day's work . . . is beginning to claim the serious attention of the more thoughtful among the working classes in various parts of the country." "Supply and demand always regulate prices. Push the supply beyond the demand, or, in other words, glut the market with labor, and what is the consequence? Fall of prices. . . . The poor rates in England are now a very heavy burden, and those employed in the leading mechanical businesses are very little, if any, above

the subsistence point. . . . [The remedy is] to keep up wages by the only effectual plan that can be devised, viz., a reduction from time to time of the hours of labor nicely proportioned to the excess of supply over the demand for the products of labor."[1]

Thus there is plain evidence of the prevalence of discussion and agitation on the effects of long hours and on the general conditions of labor during the first quinquennium of the thirties. It does not appear, however, that the cause attracted the active support and approbation of the better informed and educated portion of the community. The regular press was deaf to their arguments and almost without exception joined in a conspiracy of silence so far as publishing accounts of their doings was concerned. Evidently it was not a popular cause and the accepted leaders were inclined to frown upon it. It did not achieve results in the legislature until 1836. Then, as in 1825, a committee on education, this time in the House, submitted a report[2] on the "Education of Children Employed in Manufacturing Establishments." The report was accompanied by a draft of a bill. In the House the matter had fallen into capable and loyal hands. James G. Carter had entered that body in the preceding year and served as chairman of the committee on education. One may easily infer from internal evidence in the report that he was the responsible and efficient leader of the party demanding legislation in the General Court. The movement gained the impetus which carried it forward to its successful issue in the form of a statute, following disclosures made by the school returns. These showed a lamentable state of affairs, educationally, in the large manufacturing centers.

The committee had been instructed to consider "whether any, and what, provision ought to be made for the better education of children employed in manufactures." They enlarge upon the fact that the industries of Massachusetts are rapidly changing from agriculture to manufactures; that the population is shifting from rural to urban; and state their conviction that in view of this change "it becomes the solemn and indispensable duty of the representatives of the people to provide seasonably and effectually, that those institutions which have given New England

[1] *The Man*, June 27, 1834. [2] House Document, No. 49, 1836.

her peculiar character for general intelligence and virtue be not "changed with the changing employment of her people." . . . For it "requires no spirit of prophecy to foresee and to know that the collection of large masses of children, youth and middle-aged persons of both sexes, into compact villages, is not a circumstance favorable to virtue. Nor is it difficult to understand that a change in occupation from those diversified employments which characterize a sparse and agricultural population, to the simple operations consequent upon that minute subdivision of labor, upon which the success of manufacturing industry depends, is not a circumstance favorable to intellectual development."

The recent growth of manufactures in Massachusetts and the hasty gathering of factory population who had their characters formed and had acquired their education in other environments, made it impossible to judge rightly of the influence of manufacturing establishments on the education, morals, and general situation of the people employed in them. The committee declined to draw conclusions from the "notorious effects of similar establishments in Europe," feeling "that the analogy may fail in this climate and under the influence of our institutions." In the American situation, however, they discover two principal causes for apprehension. In the first place, since "human labor . . . must inevitably be dearer in a country like our own than it is in any other with which we are brought in competition in manufacturing, this operates as a constant inducement to manufacturers to employ female labor, and the labor of children, to the exclusion of men's labor, because they can be had cheaper."

Secondly, the families in manufacturing establishments are near the poverty line. "Of course, when such families, numerous and indigent as they usually are, begin to increase, and when their wants begin to press hard upon their scanty means of comfort, or perhaps even of necessary subsistence, there is a strong interest and an urgent motive to seek *constant* employment for their children, at an early age, if the wages obtained can aid them even but little in bearing the burden of their support."

There is a reminiscence of Carter's earlier writing in the paragraphs that follow. The committee would not be considered alarmists and they carefully disclaim any intention of "unneces-

sarily and invidiously" directing a scrutinizing public attention toward any particular class of their fellow citizens, but in their opinion it behooved the legislature "to look to it right early and carefully that no class be allowed to remain uneducated. For if a small part of one generation, however employed, be suffered to become men in physical strength only, without something like a corresponding development of their heads and hearts, their intellects and affections, there is a disease, a canker in the body politic which will corrode and spread itself in every direction, to the final destruction of the system."

This admirable report did not rely wholly upon general statements and logical appeals to the intellect and conscience of the state. It was backed by facts derived from the school returns. The committee pointed out that in four of the largest manufacturing cities (not including Lowell), with a population of a little less than twenty thousand, there appear to be "*eighteen hundred and ninety-five* children between the ages of 4 and 16 who do not attend the common schools any portion of the year," and the deduction to be made for attendance at private schools was very slight. "If full and accurate answers were given by all the towns in the Commonwealth, to the question designed to obtain this information, it is believed there would be developed a state of facts which would at once arrest the attention of the legislature, and not only justify but loudly demand legislative action upon the subject, and this state of facts as appears by the returns is peculiar in degree and almost in kind to the manufacturing towns."

The accompanying bill provided that no child under the age of fourteen should be employed to labor in any incorporated manufacturing establishment, unless such child had attended a school, instructed by a qualified teacher, at least three months of the year next preceding. The penalty of fifty dollars, to be forfeited to the school fund, applied only to the "owner" of the incorporated establishment. The appeal was too strong and just to be disregarded, and the statute enacted went beyond the moderate suggestions of the committee, in that the age requirement was raised to fifteen years. An amendment in 1838 provided that the employer was to be released from liability if provided with a sworn certificate of school attendance. In all this there

was no hint at interference with the hours of labor. The statute was manifestly defective also, in that there was no provision for its enforcement.

These omissions did not long go unprovided for and in 1842,[1] acting in response to a petition from Fall River for a law "regulating the employment" of children in factories and asking for the appointment of factory commissioners, the General Court made it the duty of the school committees in the several towns to prosecute violations of the act of 1836. The law[2] reads: "The owner, agent or superintendent of any manufacturing establishment who shall knowingly employ any such child is liable to the penalty," which goes to the person prosecuting.

Section three of this act marks a distinct stage in the movement, since it contains the first direct legislative interference with the hours of labor in Massachusetts. It declares: "No child under the age of twelve years shall be employed in laboring in any manufacturing establishment more than ten hours in any one day." With this enactment the first step had been taken in ten-hour legislation. As a result of renewed discussion the school requirement was lengthened to eleven weeks in 1849, and to eighteen in 1858. Progress was slow but constant, and it was doubtless as rapid as the state of public opinion and the existing school facilities would warrant. At a later date, more hasty action discredited the movement, and the act then passed had to be replaced by less drastic legislation.

There is good evidence that the law as regards school certificates was well observed at Lowell and that it commanded the loyal support of a respectable portion of the community, including the employers. In an investigation[3] by the school committee in 1851, it was found that a total of 2,739 such certificates had been issued since 1838. Much the larger number were from the grammar grades — 2,037 or 73 per cent of the total number. The largest number of certified persons employed in any one year was 343 in 1841. Taking the figures at their full value, the percentage of children in the total number of operatives was

[1] See Senate Document, No. 56, 1842.
[2] Acts and Resolves, 1842, ch. 60.
[3] See the *Annual Report* of the Lowell School Board for 1851.

surprisingly small and there is indication that the proportion was decreasing. Thus in 1840, out of a total of 8,507 operatives, only 311 or 3.7 per cent were children. Of the total number 6,430 were females, of whom 199 or 3.1 per cent were girls; 2,077 males and 112 or 5.4 per cent boys. Eight years later the total number of operatives was 12,630, of whom only 225 or 1.8 per cent were children; of 8,635 females only 114 or 1.3 per cent were girls; 3,995 were males, of whom 111, *i.e.*, 2.7 per cent, were boys of school age. In neither of the three years following 1848, covered by the report, did the number of children employed rise to the figures of 1848, though the total number of operatives steadily increased. In their report, the subcommittee, who had charge of the investigation, are stated to have "made a full inquiry among all the manufacturing establishments" and found a state of affairs "highly creditable to the incorporated companies. From the larger corporations of the city no case of infraction was reported. But few or no children under the age of fifteen were found in the employ of several. In such as did employ them, the necessary vouchers were carefully preserved and readily shown." In one small establishment in Belvidere six boys and three girls were found for whom no certificates had been demanded. On promise of immediate discharge, prosecution was dropped. In another establishment twenty children were found to have been annually employed but no vouchers could be produced. The employer explained that they had been lost, but the committee feels that this does not alter his legal liability. They are moved to remark in conclusion that "facilities should not be afforded for the evasion of a law so evidently promotive of the public good as this is. It is to be regretted" they feel "that not a few cases exist in which children are taken from school, without urgent necessity, for the sole end of profiting by their labor."

After 1838 there was a lull in the discussion of the conditions of factory labor doubtless due to the general depression following the crisis of 1837. The number of children employed at Lowell fell to 42 in 1844, the lowest number for the years covered, *i.e.*, 1838–51. In the preceding years there had been nearly continuous agitation of the question of factory hours and conditions through the medium of the Workingmen's Party, the New

England Association, and the Trades Union, in turn. Organization had been loose; there was a lack of capable leadership, indicated by a failure to concentrate the labor forces on a single well-defined measure. No systematic pressure of a sort calculated to secure the desired legislation had been brought to bear on the General Court. The agitation was mere skirmishing preparatory to the serious fighting to follow. But at one time or another all the notes in the controversy had been clearly sounded. Attention had been called to the excessive hours of labor and interest aroused in England's reform legislation. The possible evils of child and female labor had been proposed for discussion, as well as the bearing of such labor on the general welfare of the community through its effects on the health of the operatives and the denial of opportunity for education of the children. Some tentative attempts had been made to give theoretical support and a philosophical foundation to the movement and the question of the effect of the introduction of machinery on the status of the laborers had been raised. The operatives themselves and the humane and altruistic individuals in the community had been aroused to a consideration of the condition of factory labor and the possibility of its amelioration. The movement begins with an investigation of child labor and closes with legislation on the subject of child employment. This, while not perfect, was expressive of the best thought of the times. It was a worthy move well supported by public opinion, and it held within its provisions a clause — the ten-hour section — capable of indefinite expansion, and invaluable as a precedent for direct legislative interference in the affairs of large corporations for the express purpose of aiding the weaker party. By the time the battle was fairly joined, this section was too firmly fixed in legal precedent and public acceptation to be easily dislodged. It must needs be allowed to stand as a promise of larger things to be secured in the future. It was on the issue of the restriction of the day's work to ten hours that the battle of clashing interests in the next period was to be fought out.

II

NEW ENGLAND WORKINGMEN'S ASSOCIATION — 1840–1848

The discussion during the entire second period turned on the question of the hours of labor and the necessity for shortening them through legislative enactment. This chapter, accordingly, may well begin with an exposition of the system in force. Apparently matters had changed but little since the senatorial investigation of 1825. A careful statement [1] of the hours of labor in the Lowell factories in 1839 makes the general average for each day of the year 12 hours and 13 minutes, or 73 hours and 18 minutes actual working time in each week. The day varied in length, however, from an average of 11 hours and 24 minutes in December and January, when the time was shortest, to 13 hours and 31 minutes at the end of the month of April, when the days were longest. During the four summer months work began at 5 A.M.; during the other eight months as soon as it was light enough to see. During the four winter months breakfast was taken before work in the morning; during the remainder of the year at 7, at which time half an hour was allowed. Dinner came at 12:30 and for it there was an allowance of 45 minutes in the four summer months, and of only 30 minutes during the other months of the year. Work closed in the summer months at 7 P.M. but was continued by lamplight until 7:30 during the remainder of the year. In all cases supper was taken after work in the evening. Though the statement given applied only to Lowell in the first instance, the system in force there was the same as generally existed throughout Maine, New Hampshire, Vermont, and the eastern part of Massachusetts. In many, perhaps in the majority, of the Middle and Southern mills, the hours are stated to have been even longer, averaging 13 hours and 45 minutes per day, or 82.5 hours

[1] See Montgomery: *Cotton Manufacture in America*, p. 174 et seq.

per week in the period of longest working time, and the general yearly average for each week was about 75.5 hours. At this time the English factories were working only 69 hours per week, under limitation by act of Parliament of 1833. The practice there was to work 12 hours daily, and shorten to 9 on Saturday.

There is good evidence, however, that the condition existing in American factories was the subject of lively discussion as early as 1841. In that year, in the course of a review of Baines' *Cotton Manufacture in Great Britain*, the author [1] almost necessarily contrasted the different hours of labor, the employment of child and female labor, the attention paid to ventilation, and the effect of confinement through long hours on the health of the operatives in America and in England. The conclusion reached is favorable to the American factories despite the long hours. Counteracting factors are the very much smaller proportion of child labor employed, the boarding house system, with its careful supervision of morals and health, and above all else, the fact that Massachusetts has no permanent factory population, four fifths of the operatives being young women from the country, who, after spending four or five years in the factories, return home.

In the following year, 1842, we find the first hints that the ten-hour measure was pushing its way into politics. Seemingly, the Democrats had espoused the cause of the operatives. Most of those in authority in the Lowell mills were Whigs. In consequence there were numerous charges advanced on the one hand of undue corporate influence in state politics; and, on the other hand, of undue interference in the management of the mills suggested by political considerations. In this year, too, we first find evidence of direct pressure on the legislators through the medium of petitions addressed to the General Court. It is noteworthy that these earliest petitions came from towns in the southeastern section of the state where the foreign element was largest and where it had first appeared. Here the effects of English example and the experience gained in English agitations might be expected to show results before it was evident elsewhere. The petitions [2] preserved came from Fall River, Mansfield, New

[1] H. A. Miles in *North American Review*, January, 1841, pp. 31–56.

[2] These are preserved in the Massachusetts Archives, No. 1077/5.

Bedford, Attleborough, and Taunton, and the total number of signers is less than 1,000. The largest single petition is that of Taunton, with 463 signatures. Most of the petitions are headed "The Ten Hour Republican Association," indicating that some sort of an organization existed. These petitions were referred as received, in January and February, to the judiciary committee, which body evaded responsibility by reporting that the consideration of the question should be deferred to the next session. By that time two other petitions, from places as widely separated as Fall River and Newburyport, had been sent in with 300 additional names. There was a monster petition from Lowell also with almost 1,600 names. Seemingly the Democrats were in control in the General Court and were favorable to the movement. At any rate the petitions were sent to a joint committee, charged with the special duty of their consideration.

In 1842 and in 1843 (except in the petition from Lowell) the operatives were guilty of a serious blunder in stating the character of the statute desired. This blunder was destined to have far-reaching consequences. It pointed out the direction of a possible flank movement to the outspoken enemies as well as to the pretended friends of the reform. Throughout the entire period of discussion following there was continual danger that effective legislation would be defeated by substituting a measure conveying no practical results. A comparison of the two petitions will make the nature of this blunder clear. The petitioners [1] in 1842 and those from Fall River and Newburyport in 1843 were seemingly much concerned that while there are standard measures for all kinds of merchandise and lands carefully established, and guarded by legislative enactments, the length of the laborer's day should not be defined by the law, but be left "to be determined by the power of the employer or the caprice of the laborer." They continue their plea: "To your petitioners it seems obviously expedient that there should be a *known uniform rule, established by law*, by which the rights of the employer and the duties and claims of the laborer shall, in all ordinary cases, be ascertained. Experience, it is believed, has proved that a rule making Ten Hours' labor to constitute a day,

[1] Massachusetts Archives, No. 121*a*/10.

is promotive of the interests and protective of the rights of both the employed and the employer. We therefore respectfully pray that a law be passed providing that Ten Hours' labor shall constitute a Day's Labor, in all cases wherein a different provision is not made by the agreement of the parties." In strong contrast to the feeble and ineffectual statute asked by these petitions is that suggested in the beautifully exact and concise phrases of the Lowell petition. They [1] "Earnestly pray that a Law may be enacted, in such a manner as to affect all the Manufacturing Corporations of this State, so that they shall not employ persons to *work more than ten hours a day*. The tendency of such a law would be good. It would, in the first place, *serve to lengthen the lives of those employed*, by giving them a greater opportunity to breathe the pure air of heaven, rather than the *heated* air of the mills. In the second place, *they would have more time for mental and moral cultivation*, which no one can deny is necessary for them in future life — (it ought not to be supposed that those who work in the mills will do so as long as life lasts). In the third place, *they will have more time to attend to their own personal affairs*, thereby saving considerable in their expenditures."

Two main points of difference appear in these statements. The first asks for a law of general application; the second for one applying only to incorporated companies. It was in the corporations that the evil to be attacked was found, and here there could be little doubt of the existence of the necessary power to legislate. In the second place, they show a marked difference in the character of the statute suggested. The first form would mean only an expression of opinion on the part of the General Court as to the number of hours that ought to constitute a day's work; the second asked for a definite prohibition of excessive labor. The Lowell petitioners further state the grievances which seem to them to furnish adequate reasons for legislative action and it is noteworthy that they chose the grounds upon which the subsequent battle was fought to a successful issue. It was on the score of injury to the health of the operatives and the lack of time for "mental and moral culture" that reform was finally secured.

[1] Massachusetts Archives, No. 121b/5.

No report of the discussion in the General Court has been discovered. So far as the character of the opposition is disclosed[1] it seemed to rest on fairly obvious grounds. In the first instance an attempt was made to discredit the movement by characterizing the "ten-hour system as another humbug gotten up by the democracy." It was denounced as a piece of demagogism — the last resource of an expiring party. The farming element was appealed to on the ground that mischievous interference with their business was impending. Further, it was flatly denied that the operatives desired such legislation. Those in opposition pointed out that only 1,600 out of 10,000 Lowell operatives had signed the petition. The laborers worked by the piece and they were assured that if the time was cut from 12 to 10 hours they might expect a corresponding decrease in their wages. Finally, it was contended that the men and women in the mills were fully competent to make their own bargains. It was urged that they not only needed no protection by statutes, but that there was no power residing in the legislature to force them to work but ten hours if they desired to work twelve hours or more. The judiciary committee to whom the first form was referred answered to the petitioners, in 1843, that they be given leave to withdraw. Later a joint special committee reported a bill providing that "Ten Hours shall hereafter be deemed to be the legal length of a day's labor in all cases except those where there may be an agreement in writing, signed by the parties thereto." It does not appear that any action was taken.[2]

In the following year, 1844, two new petitions[3] were received from Lowell with over a thousand signers, each asking that such changes be made in the charter of manufacturing corporations "as to forbid the running of machinery for the making of yarn or cloth more than *ten hours* per *day*." The forms used are in substantial agreement with those of the two years preceding in the arguments advanced to secure action by the legislature. They add to the earlier statement a new note in saying: "A compensation illy proportioned already to the task of the operatives,

[1] See the files of the *Lowell Journal* and the *Lowell Courier*.
[2] Massachusetts Archives, No. 1215/5.
[3] House Document, 1844, No. 48.

and being reduced in a fearful ratio," is one of "the legitimate results of the present mode of operations in manufacturing establishments." This was to answer the statement that the measure they advocated would reduce wages, with the retort that the system of work continued through long hours resulted in extorting much unpaid service from the laborer; the easy inference being that the wages paid were already as low as would induce men and women to leave home to enter the mills and that a reduction of hours would necessarily leave wages as they were. The joint special committee reported that "in order to understand the nature and the extent of the evil represented in the petition, as also the best remedy, it will be necessary to thoroughly examine the manufacturing system, not only in Lowell, but throughout the Commonwealth." This the committee felt unable to accomplish in the session then closing and feeling "that if the evils were such as to demand the aid of legislation it should be based upon accurate and extensive knowledge," they recommend that the matter be referred to the next session.

Before the General Court convened a new organization had arisen among the workingmen which gave active and continuous support to the ten-hour movement during the following years. Its history may best be sketched before taking up the legislative discussion since action there was doubtless influenced by the widespread hearing gained for the desired measure through this organized activity of the laboring men. This new association [1] in form and extent, as in name, was a recurrence of the New England Workingmen's Association of 1831-34. The general plan of the gathering was the same. The unit of organization was a combination of all the wage-earners in the separate towns, and the new move meant little more than calling the representatives of any and all existing groups of wage-earners in New England together at intervals for consultation and discussion. In general matters went little further. There was frequent expression of opinion; little concerted and effective action. For such action the combination was too large in extent, too diverse in opinion, and too loose in organization. The plan worked out in the

[1] Information of this association is taken from the files of the Lynn *Awl* and the *Voice of Industry*.

thirties had contemplated an intermediate state committee, but the new plan contained no executive body between the separate groups and the officials of the general association.

The first move for a wider organization came in July, 1844, at the instance of the Mutual Benefit Society of the Journeymen Cordwainers of Lynn. At that time the society issued a circular proposing to hold a state convention. There is reference to an organization of mechanics at Fall River, and new associations were formed in Lowell, Boston, Marblehead and elsewhere, seemingly for the express purpose of participating in the proposed meeting. In formulating their plans the Lynn leaders had sought the aid of Charles Douglass, then living at New London. He responded, offering encouragement, referring to his previous efforts in a similar move, and enclosing a copy of Seth Luther's address and of the proceedings of the Workingmen's Convention in 1833.

Thus provided they proceeded with their plan and a convention was held in Faneuil Hall at Boston late in October. It was attended by some 200 delegates (Lynn alone had appointed 100), and the outcome of the meeting was the formation of the New England Association of Workmen. The list of delegates present included men from Fitchburg, Lynn, Lowell, Andover, New York, Stonington, Manchester, Marblehead, Boston, Fall River, and, significantly, in view of later developments, from Brook Farm. The association then formed maintained an active existence through the next three years. How very active it was through its very short existence the incomplete list of its meetings will disclose. Following the initial meeting at Boston, the association met four times in 1845; in March at Lowell, in the last days of May at Boston, in September at Fall River, and by adjournment at Lowell in October. To these various meetings in 1845 should perhaps be added an Independence Day celebration at Woburn, attended by a large and enthusiastic body of 2,000. The largest delegations came from Boston, Lowell and Lynn. In 1846 this activity was continued. Meetings were held in January at Lynn, in April at Manchester, in July at Dover, and in September at Nashua. There is an account of a meeting in January of 1847 at Boston, but the record fails after giving account of a meeting in March at Lowell. Remembering that the members were

not persons of large leisure one is tempted to surmise, in the absence of positive evidence, that the association succumbed to the effects of overexertion. There is no evidence of exhaustion, however, in the account of the meetings in 1847. That of January was attended by delegates from Manchester, Lynn, Holliston, Lowell, Amesbury, Danvers, East Bridgewater and other places. On the contrary, there is evidence of gains in the direction of attracting support from outside the ranks of wage-earners. The presence is recorded of Amasa Walker, Rev. Mr. Burton, Wm. A. White, Dr. Channing, S. P. Andrews, S. H. Allen and J. N. Buffum, "who severally spoke with feelings of deep devotion for the interest and elevation of the laboring millions." One can but record regretfully the lack of evidence as to the manner in which this strenuous association made its exit from the stage of action.

During its existence the new organization maintained, and reciprocally was supported by, two different periodicals. The Lynn *Awl* was in existence when the movement began. It was published by the Cordwainers' Association and edited, at first, by W. A. Fraser. Its existence was short, covering only a year and three months. From internal evidence, it seems that it suffered from the withdrawal of Fraser and was finally discontinued because of lack of support, due in part to the appearance of a rival to whom the patronage of the general association was transferred. The new journal was the *Voice of Industry*, first published at Fitchburg by an association of workingmen. W. F. Young served as editor-in-chief during 1845-46. The first issue is dated May 29, 1845. Mr. Young was destined to fill a large place in labor circles in New England. In October the *Voice of Industry* removed from Fitchburg to Lowell and became the officially recognized organ of the newly formed New England Association. At this time, perhaps to increase its popularity, Miss Sarah G. Bagley and Joel Hatch were added to the editorial staff.

Organization achieved, though but loosely, and provided with a representative, though not faultless, journal, the new association was threatened from the outset with the danger of being diverted from its original purpose to suffer disaster in the cause

of the impossible schemes of the disciples of Fourier. The Lynn *Cordwainer* had instituted the movement with no well-defined idea of the objects to be attained. Socialistic and communistic teachings were in the air. Their most powerful and immediate effect was to arouse a deep-seated discontent among the laborers. The principal complaint at Lynn had to do with wages, and with the apprentice and "order" system. Elsewhere there was a growing tendency to criticise factory conditions, child labor, and above all the excessive hours, as the foregoing account of petitions and political disturbance witnesses. Thus we find a Boston writer in the course of an article on "Our Factory System" complaining of the evils of woman and child labor, of the use of the blacklist by factory agents and overseers, and especially of the long hours in force. He concludes: "The advantage lies wholly on the side of the corporations. The defenceless operative is unshielded and alone. He must submit or starve." Here was good reason for co-operation among the wage-earners, as the *Awl* was busily engaged in pointing out. In the absence of disturbing factors and with the coming to the front of efficient leaders, one may reasonably conclude that there would have been an efficient concentration on the single issue of ten-hour legislation. To this belief the resolutions adopted in the first meeting at Boston, in October, 1844, lend color. They show the influence of socialistic ideas in the "Whereas" clauses, asserting that "all men are endowed with the same natural capacities, and possess in common with each other the same physical, mental and moral wants (and) are therefore entitled to an equal exercise and gratification of them." Since the existing society robs the laborer of his just share he is forced to resort to co-operation, and, as a first step in his campaign for reform, it is "Resolved, That the time now devoted to manual labor is unreasonable and unjust, is equally destructive to physical health and mental vigor, and requiring long-continued and excessive physical exertion, amounts to the denial of the invaluable right every man should possess to an opportunity for recreation and social enjoyment and is an abuse which demands immediate correction," and "Resolved, That we deem it expedient to memorialize our legislature to pass a law that shall prohibit any corporation from employing any

person more than ten hours a day." The keynote of the address adopted at the same time is the strongly expressed belief that "labor is the only creator of value," but it devotes space to complaints of the long hours of labor and of the evil of child employment, both of which are asserted to result from the introduction of labor-saving machinery. An appeal is made for educative discussion and concerted action.

As has been stated, a representative of Brook Farm, one Mr. List, was present at the initial meeting of the new association and made a brief speech. Shortly thereafter Brook Farm was converted to the Fourier movement, under the teachings of Albert Brisbane. It then took part in the ambitious plan to assemble a convention to construct a "Reformative Constitution of the United States" and evidently it was felt that in the carrying out of this project use might be made of the newly organized New England Association. From the first there had been a liberal admixture of socialistic doctrine in the published utterances of the new organization. It appears in the motto adopted, "Union for Power: Power to Bless Humanity;" and was much in evidence in the columns of both the *Awl* and the *Voice of Industry*.

When such sentiments were heard daily of all men, and in view of the prevailing discontent of the times the capture of the Workingmen's Association by the Brook Farm element was a comparatively easy task. At the meeting in Boston in May, 1845, the Socialists were successful in an evidently prearranged plan to secure control. Two circumstances contributed to this result. In the first place the general attendance is said to have been small owing to the lack of notice, and again the result was made certain by the extremely loose character of the organization. At this particular meeting "all those interested in the elevation of the Producing Classes, Industrial Reforms, and the extinction of Slavery and Servitude in all their forms, were invited to participate in the deliberations of the Convention." Under this invitation the May meeting included a notable gathering of reformers and socialistic leaders, as well as the rank and file of laborers. Brook Farm sent Charles A. Dana, L. W. Rykeman and George Ripley. Horace Greeley was present and is reported to have spoken with much force on the general plan of operations pursued by the

workingmen in their attempts to effect a reform. Brisbane, the leading apostle in America of the doctrines of Fourier, was present and advocated his scheme of a "reformative" constitutional convention. Endorsement was secured for resolutions presented by Rykeman supporting the plan and a list of delegates named, including A. J. Wright, Wendell Phillips, William Lloyd Garrison and Marcus Morton from Boston, Frederick Robinson of Charlestown, Rykeman and Dana of Brook Farm, Misses Sarah G. Bagley and H. J. Stone of Lowell, and about twenty others unknown to fame, but prominent in labor circles at the time.

Seemingly that the list of reformers connected with this meeting might be fully complete, the venerable Robert Owen, the father of American socialism, attended. He was then in America in the interest of his abortive "World's Convention," which he confidently expected to result in the regeneration of the world. Apparently he felt that America in the excitement of Fourierism would receive his teachings gladly. He addressed the meeting on both days that it was in session. It is stated that "he addressed the meeting in some plain and practical remarks upon his former experience as to the abuses of the factory system of England as far back as 1815, when he sent a letter to Parliament, which was the subject of much consideration, and was the basis of a temporary change in the system. He spoke of the factory system of Lowell and showed that the time of work for the operatives should be abridged. While he was at the head of similar establishments in England, he had adopted the system which he had recommended to Parliament and found it highly beneficial to proprietor and operatives. Mr. Owen then went into a general investigation of the relations of capital and labor," where the reviewer declined to follow.

Under the play of these varied influences, and subject to the designs of these experienced leaders, the association was led completely captive by the Brook Farm contingent. In the selection of officers that followed Rykeman became president and George Ripley chairman of the executive committee. The laboring classes of New England seemed fairly committed to assistance in Brisbane's far-reaching schemes for social regeneration and for the political reorganization of the United States. The election

had evidently not been carried without opposition. The same issue of the *Voice of Industry* which reported the meeting contained an article sounding a warning on the danger of disunion because of the radicalism of the Brook Farm element. The control of the new leaders was destined to be short. The opposition foreshadowed in June had apparently gathered strength during the interval before the meeting at Fall River in September. The issue joined on the discussion of the customary list of resolutions which had evidently been framed under strong influence from Brook Farm. In addition to a general indictment of the institutions of society and a resolution in favor of a scheme for co-operative trading (a project then claiming the attention of the wage-earners) the list included two resolves expressive of the Brook Farm program. One gave their philosophy in brief, declaring: "That the first inherent right of man is the right of paternal protection, and that the relation of the parent to the child is the archetype of the true relation that exists between the government and the individual; and that the relation ought to be acknowledged and practically adopted as the basis of all law and government." The second set forth their plan for securing results, stating: "that in the judgment of this Convention a resort to the polls is the only practical and effectual measure which the workingmen can at present adopt for the defence of their rights."

The general membership of the meeting balked at the idea of entering politics as an organization. In the expressed opposition there is a hint, both of the connection of the membership of this association with that existing in the thirties, and of a keen remembrance of a previous fatal entry into politics. One Mr. Allen in opposing the scheme claimed for himself "some previous knowledge on this subject. He had attended a convention held in Boston in 1834, when political action was introduced and adopted, and the result was a signal failure and death to the movement at that time." Other speakers agreed with him heartily. While those members opposed the plan to involve the organization in politics, the Brook Farm partisans opposed the plan for co-operative buying on the grounds that "the object of the association was much larger, being the reorganization of society." The resulting deadlock was solved by adjourning the meeting to

reassemble in Lowell on the 29th of October. When the association again came together President Rykeman and the entire Brook Farm contingent were absent. The exact reason is not apparent but they never reappeared in the association. In any case the wave of Fourierism in America had spent its force. In the absence of the socialist group discussion was resumed on the disputed points, and a compromise was patched up by which it was allowed that a "resort to the polls is *one* of the practical and effectual measures," and, on the other side, that "concert of action in the purchase of the necessaries of life is one of the means to the end," etc. Freed from the incubus of the extravagant Fourieristic attempt at world-wide social regeneration and purged of the mischievous influence of those who designed to lead it into politics, the Workingmen's Association was free to develop naturally and to turn its attention to the consideration of curable evils and to the advocacy of possible reforms. The evidence is clear that its progress in 1846 and in 1847 was all in this direction. The discussions were saner and much more instructive; leadership was both more intelligent and practical; and the measures urged on the attention of the society were well defined and formulated. Evidence of a better understanding of the limits of possible action and the true function of the body is given by a change of name to the more appropriate title of the "New England Labor Reform League," in 1846. It was doutbless this change in character that attracted the friendship of such men as Amasa Walker and Dr. Channing.

Before outlining the policy of the renovated association, an account should be given of one of the constituent elements, the Female Labor Reform Association, and particularly of the chapter at Lowell. It deserves special treatment because its organization marks the entry of a new factor into labor agitation. Its members were directly concerned with factory conditions. Moreover they — or at least their accredited leaders — were more strenuously and more continuously active than any other element during the brief life of the association. Article 9 of the constitution adopted by the Workingmen's Association shows that they were fully sensible of the possible support to be gained from the organized efforts of female labor. It reads: "Female Labor

Reform Associations shall be entitled to all the rights, privileges and obligations secured by this constitution." Organization was first achieved by the "factory girls" at Lowell in January, 1845, only a few months after the formation of the Mechanics and Laborers Association in the same city. Both societies were doubtless the logical result of the ten-hour agitation in 1842 and 1843, evidence of which is found in the petitions quoted above.

The Lowell Female Labor Reform Association began its activity with two members, besides thirteen officers. By April its members had increased to 304 and in the notable May meeting the membership is stated rather vaguely as "between four and five hundred." The Lowell chapter was still very much alive when our record fails, late in 1847. Much of the success and activity, as well as much of the wider spread of the idea of organized female branches, was due to the personal qualities of the Lowell president, Miss Sarah G. Bagley, and of her loyal lieutenant, the secretary of the society, Miss Huldah J. Stone. Both were factory operatives, and as the earliest labor leaders of American women, they deserve a larger measure of fame than has so far fallen to their lot.

Miss Bagley was a native of New Hampshire and in 1845 had been over eight years in the Lowell mills. She was evidently the leading spirit in the Lowell chapter, became its first president, and never failed while acting in that capacity to attend the rapidly recurring meetings of the Workingmen's Association. Her energetic, not to say vehement, and optimistic account of her society was a regular feature of the published reports of that organization's meetings. Her activity was astonishing. In addition to her work in the mill, before 1845, she had taught evening school through four years. She is named as a frequent contributor to the *Lowell Offering* also, but the development of radical tendencies later excluded her articles from that staid periodical. Energetic by nature she found free scope for her powers and congenial occupation as leader of the "spirited ladies" of Lowell. Moreover, she was a student of the prevalent doctrine of socialism and spurred to greater exertions by a desire to advance so "glorious a cause." In the May meeting she served as a member of the

nominating committee which delivered the association to the Brook Farm forces. She was herself made corresponding secretary and on the removal of the *Voice of Industry* to Lowell, became a member of its publishing committee. Her name frequently appears as a contributor to that journal. She followed the lead of Miss Wright also, and appeared as a public speaker in the various meetings of the association. At the Woburn celebration her speech severely criticised the *Lowell Offering* as a tool of the corporations, giving a false impression of the conditions of factory labor. She also charged that an attempt was being made to add two hours to the weekly time.

The associated chapter among the female operatives at Manchester was the direct result of a visit made in December, 1846, by Miss Bagley, together with W. F. Young and John C. Cluer. Miss Bagley presented a constitution and a chapter was formed with sixty members. Following the example of the Lowell factory girls and actively encouraged by their leaders, other chapters were formed by the female operatives at Fall River, Waltham, Dover and Nashua. Delegates from all these societies appeared in the Workingmen's Association at one time or another. The account of Miss Bagley's activities would not be complete without mention of her appearance before the legislative committee in 1845. In the same year the Lowell chapter sent letters of encouragement to their sisters in Pittsburg, who were taking part in a hard-fought strike for ten hours. Late in 1847 Miss Bagley was forced to leave her work in the Lowell mills, and leadership devolved on Miss H. J. Stone, who replaced her as president of the Lowell chapter and as a member of the publishing committee of the *Voice of Industry*.

Under such leadership the female branches might be expected to enter even more fully into the prevalent socialistic ideas than did the general association. This anticipation is justified by a study of their first constitution. In it are interesting sidelights on the spirit of the decade. Aside from the socialistic bias it is noteworthy that there is insistence on the pressing need of reform in the "hours of labor as a necessary first step" in the far-reaching program that is evidently present in the mind of the author. Further, while in Article 8 the members are pledged to "labor

actively for reform," they declare their disapproval of all strikes and violence.

In the beginning they had given themselves fully to the support of the Fourieristic faith. After the ousting of the Brook Farm leaders there is evidence of a return to saner principles, and a new insistence on reform in hours of labor. In part they report: "Our cause is a righteous one — one which every *philanthropist must* and will take a deep interest in. It is a reform which will affect not only the Laborer but the whole entire community. Its great and leading object is to give the laborer more time to attend to his or her mental, moral, and physical wants." Again, in January, 1846, they report (through their vice-president, Hannah Tarleton) that "they do not regard this measure (the reduction of the hours of labor) as an end, but only as a step toward the great end to be attained. They deeply feel that their work will never be accomplished until slavery and oppression, mental, physical and religious, shall have been done away, and Christianity in its original simplicity and pristine beauty shall be established and practiced among men." Finally, in 1847, we find evidence of a growth of more sober ideas clearly reflected in their reports. It should be said that they have a new president, Miss M. Eastman. Miss Stone remains as secretary, and reports: "We have long felt the necessity of having a constitution which should embody something more *definite*. There seemed to be too much of theory and too little of the real practical in the old one." She thinks the society should "appeal to the self love as well as the higher nature" of the operatives. Accordingly, the name of the society was changed to the "Lowell Female Industrial Reform and Mutual Aid Society," a title in line with that recently applied to the parent organization. The new constitution incorporated in their plan the payment of sick benefits and the provision of nurses for the sick. Money was provided by increasing the initiation fee to fifty cents, by assessing fines, and by a weekly tax on members of "not less than six cents." They wish also to "encourage and assist one another in self culture." Older influences still linger and they declare the *raison d'etre* of the association to be "that we may know and respect our own individual rights and privileges as females, and be prepared understandingly to maintain and

enjoy them, irrespective of concentrated wealth or aristocratic usages of an anti-republican state of society."

As in the discussion of the "factory girls" associations, so in those of the larger organization, the ten-hour question never failed to appear in the reported action of every meeting. We have seen that it was probably the largest factor in the organization of the new associations, and that it found a place in the earliest resolutions and addresses adopted. Later the socialists found in it their surest ground of appeal in their endeavors to secure the allegiance of the new society. Owen's well-known views and work assured his whole-hearted support. The leaders of the Fourieristic element also gave it full support either from conviction or because it was a wise policy. In the March meeting, in 1845, it was reported: "The Ten Hour System, so called, seemed to call forth the harmonious action of the Convention. Even Mr. Ripley of the Brook Farm Association advocated the measure in a peculiarly impressive and eloquent manner, believing it to be an important primary step in the progress of the great social reform in which he is so ardently engaged."

After the rescue of the association from the Brook Farm attempt at domination, new leaders appeared and thereafter the ten-hour question filled by far the largest place in the association's discussions. It was not the sole issue. The members were much interested in legislation meant to place the public lands in the hands of actual settlers, in a mechanic's lien law, in the abolition of slavery, and in the support of the New England Protective Union. But the question of hours was the one topic never forgotten. This was doubtless due, at least in part, to the peculiar character of the new leaders. Among them we note the reappearance of Seth Luther. But by all odds the most active among them was one John C. Cluer, of whom some account should be given. He was a recent arrival from Great Britain and might be expected to bring a knowledge of the movement for shorter hours on foot there and to introduce the effective English methods of agitation. Cluer is first mentioned as a speaker at a Lowell ten-hour meeting late in 1845, and was thereafter constantly engaged in the cause throughout New England. But his connection with the movement was used to discredit it in the eyes of right-

thinking citizens. He had not been long engaged in this work when it was discovered that he had abandoned his wife in England and had since married another woman. Cluer's name is associated with no other question than the reduction of hours of labor in all the addresses and resolutions in connection with which it appears.

Though there was a growing feeling that this measure was the first one demanding support, there was a great difference of opinion as to how results could best be attained. The opposition to political action in September, 1845, has been mentioned. No final decision was reached at that time. In Lowell, always a stronghold of workingmen's parties, a complete legislative ticket was placed in nomination. The nominees were carefully labeled as shoemakers, carpenters, etc., but no one of them polled as many as 500 votes. It was perhaps because of this sorry result that a resolution for political action was definitely rejected in March of the following year. In the fall a different plan was adopted. An open letter was sent to all candidates asking an expression of opinion on a ten-hour law, on the homestead policy, and "on the adjustment of salaries to the average compensation of useful labor." The *Voice* [1] gave over an issue to the publication of their answers with editorial comment thereon. Many of the letters are wonderful examples of the use of many words in order to conceal the writer's convictions. Still it may fairly be said that a majority of the replies accede to the justice of the ten-hour demand. This fact, interpreted in the light of the general character of the replies, may fairly be characterized as weighty evidence that the movement had acquired strength. At the time the *Voice* was devoting the most of its editorial space to a display of rhetorical fireworks intended to call attention to the ten-hour cause. Doubtless this political pressure had some effect on legislation though no direct results were obtained.

Cluer's own program, as outlined at Manchester, included three points: First, a call for a convention of operatives and manufacturers to agree on a plan for a reduction of hours. Second, petitions to the legislature, and third, a general strike, or a second Independence Day, as it was called. An attempt was actually made to carry

[1] Nov. 6, 1846.

into execution the first proposal and a committee appointed by the association issued a call proposing a conference of employees and employers to meet in Boston on the last Friday of May, 1846. The date, let it be noted, was that of the annual meeting of the Workingmen's Association. The reason assigned was "the increasing dissatisfaction and strikes in the different manufacturing towns and cities." Needless to say no attention was paid to this move by the employers and it amounted to nothing.

The idea of possible coercion through strikes appeared early in the record of the association. Moreover, they were alive to the need of providing a strike fund. A resolution adopted in March, 1845, moved "that this convention recommend to the several associations at once to commence raising a fund against the time when one or more Associations, on mature deliberation, shall attempt the adoption of the Ten Hour System, for the purpose of aiding such persons as would be prevented by pecuniary embarrassment." Cluer's plan for a general strike evidently gained a hearing, and might have been attempted had the employees not been deterred by the potent influence of the failure of the great strike of the factory operatives in Pittsburg.[1] This had been attempted in an effort to secure a ten-hour day, and involved 4,000 operatives. It continued through the month of October and failed utterly. This despite the fact that the operatives were better organized than was usual at the time, and had some support by public opinion. The Massachusetts operatives, as was natural, followed the strike with the greatest interest, sent assurances of their sympathy and support, and felt that the final defeat was a disaster to their own cause. Thereafter there was a general disbelief in the efficiency of strike measures, and no determined effort to carry out such a policy.

The plan found advocates sporadically. Notably at Worcester,[2] where the Workingmen's Association invited "the employers of this Village to meet us at our weekly meetings, and show cause, if any they have, why *Men* ought to work more than Ten Hours a day; and that if they fail or neglect so to do, from and after the first day of April next, let the Ten Hour System be established,

[1] See *Voice of Industry*, Oct. 2, 1845, and the following numbers.
[2] *Voice of Industry*, Feb. 12, 1846.

and let them forever hold their peace in this matter." The Lowell factory girls expressed the general feeling when they reported a little earlier in the year that they had "had some talk about a Declaration of Independence," and coupled it with the suggestion that the scheme might be available "providing all other plans fail." The only one of Cluer's measures to be carried out was the second. It seems to have met with immediate favor, doubtless because it was in line with previous action. The *Voice of Industry* office at Lowell became the center of the necessary work of printing petitions, forwarding them to the different towns in Massachusetts, urging their circulation and securing their presentation in the General Court. On January 9 the paper issued a call for the return of the petitions not later than January 20, 1846.

As has been stated above, petitions had been presented and action refused or deferred in each of the years 1842, 1843 and 1844. The Workingmen's Association, newly formed late in 1844, found the ten-hour forces in the field and succeeded in enlisting them in its organization. When rid of disturbing elements, it carried on the policy previously initiated. The centralized direction thus secured was of much service in giving uniformity to the requests for legislation. It meant the difference between a determined, massed and well-directed attack with a definite object, and an attack in which the forces engaged were not concentrated on a single plan and often worked at cross purposes. We have seen that the attempts in 1842 and 1843 were enfeebled and robbed of any possible chance of success by this difficulty. Unfortunately the association was not free to assume direction of the petition until late in 1845, and those presented to the legislature earlier in that year repeated earlier blunders. The evils complained of were described in rather labored and ponderous phrases by the Lowell petitioners.[1] They described themselves as "peaceable, industrious, hard working men and women," and asserted that they were "toiling from thirteen to fourteen hours per day, confined in unhealthy apartments, exposed to the poisonous contagion of air, vegetable, animal and mineral properties, debarred from proper *Physical* exercise, time for *mental discipline and*

[1] The petitions are in the Massachusetts Archives, No. 1587/9.

Mastication cruelly limited, and thereby hastening . . . on through pain, disease and privation down to a premature grave." In view of these conditions the signers consider it a "duty which we owe ourselves individually, to our children and to those who shall come after us, as well as the fortifying of civil and religious liberties, — that we seek a redress of these evils, daily strengthening and imposed upon us by our incorporated bodies."

This petition was presented by 850 signers. There was a second Lowell petition also with 300 signatures; still a third form was used by 500 Andover petitioners, 488 operatives from Fall River, and 108 workingmen from Lynn; while a fourth, late in arriving, came from Worcester. As is suggested by this variety in the form of the petitions there was not that definite agreement among the petitioners as to the exact nature of the law desired which is a proverbial prerequisite to overcome legislative inertia and compel action. In general the petitioners agree in basing their plea for legislative interference on high moral grounds. They argued that long hours in the mills "not only injured the *health* of the operatives but deprived them of opportunities for mental culture and moral improvement," and that the consequent lowering of the character of the operative class would react upon the community at large and produce "such a state of moral turpitude, ignorance and degradation, amongst the laborers (the true source from which must spring the wealth and prosperity of a nation) as no humane or wise Legislator could witness without regret." They suggested also the disparity in power between the laborers and large corporate bodies though this phase of the argument was not fully developed and strongly emphasized until later. In all the petitions the power of the General Court to interfere by passing a law is assumed.

While there was this substantial agreement in the arguments used to establish the necessity for a law, there was wide divergence both as to the nature and the extent of the application of the bill. Both Lowell petitions asked for a law applying to all employers. The form first quoted asked for a "law providing that ten hours shall constitute a day's labor; and that no incorporated company or any individual, or individuals, either private or associated, shall be allowed, except in case of emergency, to employ one

set of hands more than ten hours per day." This had the merit of definite and exact statement and if it could have passed into law would have been effective in securing the results desired, viz., that no hired laborer from compulsion or desire should work more than ten hours daily. Its all-inclusive character, however, made its success impossible. In marked contrast is the form of legislation desired by the signers of the second Lowell petition, and of the form used at Andover, Fall River and Lynn. This proposition, if enacted, must have been ineffective so far as the law touched manufacturing corporations, and at this point the real issue of the contest was to be found. These 300 Lowell citizens asked for "a law making ten hours' labor a *day's work*, where no specific agreement is entered into between the parties interested." Such a "specific agreement" was contained in the rules and regulations of the factories to which all employees agreed.

Both the Lowell petitions wished a general law. The Andover form, on the contrary, reads: "Your petitioners . . . do respectfully petition your Honorable body to pass a law constituting Ten Hours a day's work in all corporations created by the Legislature of this state." By confining the proposed measure to corporate companies, they fixed attention on the real issue — factory labor — and avoided certain obvious objections to a general statute. It is difficult to understand what good result could have been gained by a "law constituting ten hours a day's work," and in this respect they might have copied with much advantage the exact phraseology of the first Lowell petition.

One feature was practically absent from the Massachusetts contest which had been of prime importance in England. There the evils of child labor through long hours had been the moving influence in the earliest legislation. Laws to protect minors proved the thin edge of the wedge which opened the way for larger interference in the hours of labor. Such a charge was not seriously urged against the Massachusetts factories in 1845, and, as compared with English establishments, they may fairly be said to have been almost free from the evil of child labor. So far as the available discussions indicate, the child labor legislation of 1836 and 1838 was satisfactory. The attempts at its amendment

were all in the direction of strengthening the requirements and securing enforcement. It is rather strange, however, not to find in the discussion of this period a suggestion that the desired law might be limited in its application to women and minors. This, in view of the pending action of England, and especially since the majority of the signers of the petitions had been women. It is stated [1] that the 1,151 petitioners from Lowell were "mostly females," besides half of the 500 from Andover.

The petitions [2] in 1846 show plainly the direction of the editors of the *Voice of Industry*. But one form was used. Lowell was represented by a single monster petition, headed by the omnipresent Miss Bagley and estimated to contain from 4,000 to 5,000 signatures. The entire number of petitioners was put at 15,000. This was probably beyond the truth. There was no longer any uncertainty as to what was desired. "In justice to ourselves, to our fellow workers and to posterity," reads the petition, "we anxiously and hopefully invoke your aid and assistance in removing this oppressive burden, by enacting such a law as will prohibit all incorporated companies from employing one set of hands more than ten hours per day." Perhaps it would have been wiser had they closed the statement here, but the petition includes another grievance which evidently loomed large in the minds of the operatives. This matter is of added importance as a factor, possibly of considerable weight in the impending change in the factory population, from native American to foreign operatives.

The Regulation Paper, or copy of the Rules, subscribed to by all operatives in Lowell, contained a clause saying: "All persons entering into the employment of the company are considered as engaged for twelve months, and those who leave sooner will not receive a regular discharge." This rule appears to have been liberally interpreted at first, but early in the forties there is complaint of its rigid enforcement. In December, 1842, the Middlesex Corporation began operation in a new mill and attempted to transfer some of the old weavers. The operatives claimed that this meant an increase of work without increased pay. Ap-

[1] House Document, No. 50, 1845, p. 5.
[2] Massachusetts Archives, No. 119B3.

parently they were expected to tend four looms instead of three. About seventy girls left the corporation, feeling that the changed conditions invalidated their contract. Being refused a regular discharge they were blacklisted and informed by the corporations to whom they applied for employment that "they wanted none of the turn-outs from the Middlesex." As a consequence the girls were forced to leave Lowell. This "persecution" is set forth in a petition [1] to the legislature asking redress and signed by sixteen of the girls. Friction at this point continued and in 1846 and again in 1850 [2] we find the petitioners stating that "the effects of this regulation are becoming every day more grievous, giving to the manufacturers great power over the operatives, and leading to oppression and wrong; forming a combination which destroys the independence of the operative class, and places them almost absolutely within the control of the manufacturer." To support this statement examples were adduced in 1850.

In response to these petitions legislative consideration was secured and reports were made by a committee of the House in 1845 [3] and again by a committee of the Senate in 1846.[4] In each case the matter was very evidently in the hands of the opponents of the measure and both committees refused to recommend action. The House document was written by the committee chairman — William Schouler of the Lowell *Courier*. The committee visited Lowell and inspected the mills. They summoned before them the leaders in the agitation at Lowell and heard their arguments, incorporating a portion of their testimony in the report. The peculiar bias of the committee was evidenced in their letter to the operatives' leaders which concludes: [5] "I would inform you that as the greater part of the petitioners are females, it will be necessary for them to make the defence, or we shall be under the necessity of laying it aside." To this the labor leaders promptly replied, through Miss Bagley, that they would hold themselves in readiness to appear at any time. After the report appeared

[1] This petition, No. 1215/14, in the Massachusetts Archives, is accompanied by a printed copy of the rules.

[2] See House Document, No. 153, 1850, p. 5.

[3] House Document, No. 50, 1845.

[4] Senate Document, No. 81, 1846.

[5] Letter and reply are printed in the *Voice of Industry*, Sept. 18, 1846.

the witnesses hotly charged the committee with unfairness in suppressing evidence and absolute dishonesty in perverting testimony "to please their aristocratic constituents." An instance may be given.[1] Miss Bagley had testified that the work in the mills was inevitably destructive to health and referred to her own experience. Later while speaking with regard to the use to be made of the leisure desired by the operatives, and expressing her belief that it would be spent in "the cultivation of their minds," she had told of her experience in conducting evening classes. These met in her own room and she received no compensation. In the report it was made to appear that her health had broken down because she added the work and, by inference, the pay of an evening teacher to her work in the mill.

Summing up the testimony and the results of their personal investigation the committee concluded that the charge that the operatives were working under conditions prejudicial to health was not borne out by the facts. This being so, the whole argument of the petitioners fell to the ground. The report reads: "In short, everything in and about the mills, and the boarding houses appeared to have for its end health and comfort. The same remark would apply to the city generally. Your committee returned fully satisfied that the order, decorum, and general appearance of things in and about the mills could not be improved by any suggestion of theirs, or by any act of the Legislature." The committee failed, in fact, to discover any signs that the then existing conditions might injure health, degrade morals, or result in the formation of an ignorant factory class. They found and reported that nine tenths of the factory population came from the country. Moreover, evidence was offered showing that in one mill by actual inquiry the average age was about 23, and their average stay in the mills 4.29 years. These farmers' daughters inherited strong constitutions and possessed good health as a result of an early life spent in country districts. They came from homes where the strictest morals prevailed and their education had been attended to before they came to Lowell. Accordingly, the committee felt that no comparison could be drawn between Massachusetts labor and that in foreign countries. In Europe it

[1] *Voice of Industry*, Jan. 9, 1846.

was a permanent population. In Massachusetts, after a few years in the mills, the operatives, having accumulated a few hundred dollars, departed for their homes, married and reared families. On the score of education the report argued that the operatives were intelligent enough to make their own bargains and fully capable of looking out for their own interests without legislative interference. This statement they capped with a neatly turned compliment to the "intelligent and virtuous men and women" who had appeared before the committee.

The general answer to the petitioners, then, was that the facts on investigation did not show abuses serious enough to justify legislative interference. To this answer, however, the House committee added certain statements and arguments based on theoretical grounds. The Senate committee in 1846 confined itself to an able statement of theoretical arguments, relying for its facts on the previous investigation of the House. Some discussion of these theoretical arguments seems essential to an understanding of the character of the opposition which stood in the way of the laborers.

It was granted by both parties at the outset that full power to legislate, not only for control of incorporated companies but private individuals and partnerships as well, resided in the General Court. This was stated in no uncertain terms by the Senate report. It reads: "That upon manufacturing corporations, in reference to the hours of labor, the Legislature has a right to interfere, perhaps does not admit of a doubt. Corporations are creatures of law, and in most cases even in terms, they are made subject to future enactment and control. The question in this respect, therefore, is only one of expediency." Had the report stopped here the case would have been left in better shape for the operatives. It goes on to say, however: "The Committee . . . are of opinion that if any law limiting the hours of labor is to be enacted, it should be one of general application. Sure they are, that no restrictions should be imposed upon those who have availed themselves of acts of incorporation, unless the purpose be to cause them to abandon those acts, — while others, and especially those engaged in like business are suffered to go untrammelled. Nor do your Committee see why, if a limitation is to be imposed,

it should not be made to apply as well to other business — to mechanical, to mining, to farming, and to almost every kind — as to manufacturing." This idea that the law should be of general application, together with the mischievous suggestion that the law should provide only for the legal length of a day's labor in the absence of contract, for both of which the petitioners themselves were directly responsible, was throughout the contest the favorite method of attack adopted by opponents of the measure. On the one score they appealed confidently to the agricultural interest for support in defeating the proposed legislation; on the other, pretended friends and weak-kneed opponents proffered innocuous acts as a sop to public opinion, which they knew would be absolutely destitute of effect.

For the rest the House fell back on two well-worn arguments which were much used in the English discussion as well. The operatives were told that the inevitable effect of a ten-hour law in Massachusetts, in advance of similar legislation in neighboring states, would "be to close the gate of every mill in the state." The argument was that it would amount to closing the factories one day in every week, and that such a restriction would make competition with domestic and foreign mills impossible. Again, the committee argued that a material reduction in wages would be just as certain to follow immediately on the proposed change. Both House and Senate were very thoroughly impregnated with *laissez faire* doctrine. It colors all their discussions and arguments and was, without doubt, the greatest single obstacle to be overcome by the operatives. Both bodies admitted that abuses existed. The House report concludes: "We think it would be better if the hours of labor were less, if more time were allowed for meals, if more attention were paid to ventilation and pure air." The committee feels, however, that the remedy is not with them. They "look for it in the progressive movement in art and science, in a higher appreciation of man's destiny, in a less love for money, and a more ardent love for social happiness and intellectual superiority."

Just how thoroughly the Senate report of 1846 was saturated with *laissez faire* doctrine can hardly be shown without giving extended excerpts. The committee argued at length that a law

fixing the hours of labor involves the same principle as an act fixing wages, which, in their opinion, would be unthinkable to the mind of every member of the legislature. The general line of argument is that the number of hours which a man may toil is as susceptible of arrangement and contract as the wages to be paid. If a man's strength and constitution allowed him to labor twelve or even fourteen hours a day, the committee thought he should have the opportunity. It need only be true that he desired the proceeds of his labor and could find some person willing to pay for it. Seemingly the discussion had not yet made clear the fact that a great majority of those involved were not men but women and minors, and that in the industries really concerned the laborers had no choice between working ten, twelve, or fourteen hours, but only a choice between working twelve hours or not at all. In other words, the conditions of labor were not fixed by individual contracts between two persons, but were set by large corporations acting in practical agreement and could not be altered by the operatives seeking employment.

Quotations taken directly from the report will best convey an idea of the strength of the committee's belief in the principle of non-interference. They feel that restrictive measures should be enacted with the greatest care, and continue: "There are some matters of business upon which restrictions may well be imposed; but, for the most part, it is to a business the character of which is itself objectionable. In a fair, legitimate, and honorable business, such restrictions are seldom, if ever, required. . . . There may be times and occasions when it would be proper for the Legislature to interfere; but, as a general rule, the less legislation has to do with business in its details, the better it will be for all concerned. These, the parties interested, for the most part, are altogether the more competent to arrange. The Legislature, as far as may be, should provide for the security of both persons and property, and for moral and intellectual culture. Thus far the lawmakers are in duty bound to go. For them not to go thus far, the neglect might well be regarded as criminal. But beyond this the best legislative action is that calculated most to promote the general prosperity. This performed, and, as it appears to the Committee, the Legislature will have done the best it can do to promote the

interest and welfare of the laboring man. Let the country be prosperous, let business be flourishing, and the competition consequent is the best guarantee the laboring men can have that he will be properly dealt by. When business is flourishing competition will be brisk, labor will be in demand, and those disposed to work will be sure to be well paid. But impose restrictions, you injure business, and the result will be, the laborer is sure to be the sufferer."

In answer to complaints of the twelve months' regulation and use of the black list, the committee finds that abuses exist only in the city of Lowell. "They may, and perhaps do, sometimes operate too severely. But if after experience they are found too stringent the committee have great confidence that they will be relaxed and changed." In any case the probable evil did not appear to be of sufficient magnitude to require legislative interposition. The change suggested by the committee did not take place. Instead the rule was enforced and the native-born workers were displaced by a more subservient, more permanent, and less intelligent class. Moved by considerations such as have been outlined, the senatorial committee followed the lead of that from the House in the preceding year, and unanimously recommended that the petitioners be allowed to withdraw their plea. This was final for the decade so far as legislative reports were concerned. The positive denial of action by the reports did not discourage the movement, however. Indeed, in one important particular the reports served to point out pretty clearly the necessary future line of attack. In 1845, while arguing that any legislation should be general, the House committee had said, "If it should appear that public morals, social well being, or physical condition were endangered, the Legislature would move." To the making good of this argument future discussion was to address itself.

There is a regrettable gap in the record after 1847. The Labor Reform Association continued its activities in that year, and the last recorded meeting with its distinguished members promised well for the future. There is a record of an address [1] delivered before the League in 1847, in which the question of hours is prominent, and evidence of the continued activity of the organization

[1] Address on *Conditions of Labor*, a pamphlet published in Boston in 1847.

in the presentation of a new petition [1] to the legislature penned by its secretary, Miss H. J. Stone, and bearing the signature of the president, David Bryant. The petition strikes no note entirely new, though there is a larger insistence on the idea that by so much as the corporations are creatures of the legislature, that body is in duty bound to regulate their action. Through their officers the League said: "That the present hours of labor are too long and tend to aggrandize the capitalist and depress the laborer, is admitted by the good, the wise and philanthropic of the world, and this League trusts by every consideration of *duty* to your highly revered State and the prosperity of its industrious population, and as just and righteous legislators, you will be induced to grant this reasonable petition; thereby saving our country from many of the calamities which have visited all people who have suffered *wealth* and *monopoly* to feed upon and destroy the *natural rights* of the working classes." Very evidently the leaders in the movement had not yet learned the vast difference in effectiveness between general statements and concrete facts. Whatever might be true of the altruistically inclined of the world, in their task of convincing the Massachusetts public and legislators, they needed the support of exact and scientific study, concretely expressed.

Such aid was soon to be forthcoming. In 1849 a Lowell physician in the course of a paper read before the American Medical Association,[2] discussing factory conditions generally and paying particular attention to the long hours in force, charged the factories with being directly responsible for the impaired health of the operatives. The "absence of ventilation" joined to long hours of work in rooms in which the air was vitiated by numerous lamps was the first evil to be righted. In general, the writer concludes that the operatives may be as healthy as the average of all other classes, though their environment should be much reformed. This indicates perhaps well enough that this was a time when conditions prejudicial to health were only beginning to be discussed. This paper came too late for use in this decade. When the contest was renewed in 1850 the Workingmen's Association had vanished.

[1] Massachusetts Archives, No. 12232.

[2] See their Annual Publications, Vol. II, 1849, p. 511 et seq.

None of its local units seems to have been left alive. The only surviving result of the activity of the period seems to have been the New England Protective Union, which died a lingering death, mention being made of it as late as 1872. Even the Lowell female branch had fallen to pieces in 1850, unless we accept the appearance of the names of its officers in connection with the Protective Union as evidence of a mere transference of the field of its activity. For the disappearance of the organization reason may be found in the changing character of the mill workers. In this change the energetic, intelligent, and independent would be the first to go, whether it be because of friction with employers, leading to discharge, or to dissatisfaction with conditions and rules such as the twelve months' contract requirement.

It remains to record two successes achieved as a result of the agitation in this period. In the first place the Lowell mills yielded at the point of sharpest attack and granted an extension of the time allowed for meals to 45 minutes throughout the year. This took effect in May, 1847,[1] and the example was followed in New Hampshire. It will be remembered that during the four shortest months work began after breakfast and during the four summer months this had been the time allowed for dinner. Since the hours of beginning and leaving off work remained as before, the change meant a shorter work day by 15 minutes during eight months and by 30 minutes during four. Thus, aside from the gain to the health and comfort of the laborers in the increased time allowed for "*mastication*," a beginning had been made in reducing the actual working time.

Again, in an attempt to secure a new investigation, in 1848,[2] into the expediency of providing by law that no operative be obliged to work more than ten hours a day, the House went on record as favorable to the resolution. The Senate nonconcurred. With this measure of success the operatives were forced to be content for the time. There was, seemingly, a lull in the discussion lasting until 1850, when new leaders and supporters appeared. In the legislature the measure had been forced through what may perhaps be characterized as the typical preliminary

[1] See *Lowell Journal*, April 24, 1847.

[2] Unpublished Order, Massachusetts Archives, No. 12328/6.

stages of all American legislation. Its friends had overcome successively legislative indifference, postponement, investigation and report at the hands of its enemies. One attempt to foist an ineffective measure on the laborers had been avoided. Finally they had breached the first line of defence and carried their cause to the proverbial last refuge of conservatism, the Senate. By both houses, moreover, it had been agreed and positively stated, beyond the possibility of retraction, that full power to legislate resided in the General Court. Thus the first necessary position was secured.

In the mills the agitation was not quite destitute of results for here a small but valuable concession had been secured. Moreover, in the discussion the position had been defined clearly and the future line of attack definitely pointed out. Much valuable experience had been gained; public attention had been aroused and the appeal had reached the ears of worthy leaders. This had been accomplished in the face of a prejudice almost universal in the beginning, by an exceedingly loosely organized association with a heterogeneous membership unshaped by discipline, and overlarge for the purpose in view. It covered New England, and legislation could only be state wide. The movement held together because of its strong appeal to the generous spirit of its members and the justice of their cause rather than because it was a well-organized and intelligently-led body. It had survived the assaults of the socialists and risen superior to the prejudice created by the grievous faults of its own leaders. In its persistence in the face of all obstacles is found the surest proof, if such be needed, that it represented a just and worthy cause. From New Hampshire and Connecticut came a warning example of pitfalls to be avoided. From the national government, under Van Buren's lead, had come, in 1840, support for the ten-hour principle. From Great Britain came, in 1847, the potent example of the leading manufacturing state enforcing ten hours for factory workers by legislative enactment. Besides this statute the gain of the Lowell workers appears pitifully small, and the action of the New Hampshire legislature a woefully weak expedient, but in the general situation there was no good cause for hopelessness as to the final outcome.

III

THE TEN-HOUR STATE CENTRAL COMMITTEE — 1850–1856

Although the struggle to secure a ten-hour law was reopened almost at once, having been brought to the attention of the General Court by new petitions in 1850, important changes had taken place since 1847. The years during which the New England Workingmen's Association was so active had been years of great prosperity in the cotton industry. Opportunities for employment had been abundant and there were no idle laborers. After a period of depression in 1843-44, new mills had been built by 1850 at various points in Massachusetts and New Hampshire, estimated to operate nearly 220,000 additional spindles. All these mills were engaged in producing the same class of goods and the result was an overloading of the market. As early as January, 1848, there were rumors of reduction in the operatives' wages at Lowell and Manchester. It was expected that the reduction would become general, the reason currently assigned being overproduction of goods. In the following month there was an extensive strike at Fall River to resist a proposed cut in wages. A considerable portion of the mills and spindles were standing idle in Lowell in 1850 and sharp distress resulted among the operatives. The streets were described as "literally swarming with worthy females and laborers, seeking employment at the doors and importunate for it." That year the Fall River operatives struck again in opposition to a new cut in wages. This was a serious contest, stopping fully 100,000 spindles for a considerable time. In January, 1851, it was estimated that fully 200,000 spindles were idle in Massachusetts out of a total of 1,200,000 and 700,000 in all New England out of 2,500,000. Not until late in 1852 was the cotton industry fully recovered

from this period of depression. It was in this year that the Lowell mills went into full operation.

Whatever consequence this period of depression may have had on workingmen's associations, it was certainly of large importance in accelerating a change in the character of the population in the mill towns, and for this reason it assumes large importance in the discussion of the ten-hour movement. That there was much discontent among the operatives and much opposition to the long hours of labor has been pointed out. The intelligent and independent New England men and women were dissatisfied with the hard conditions of mill life. New opportunities were opening to them. The West was both more accessible and more attractive than ever. The mill populations had been drawn from all New England. Henceforth the best of New England's citizens sought the opportunities of the West. That this effect might be anticipated was clearly and urgently stated at the time in an open letter sent from Amesbury and Salisbury by a committee in which the poet Whittier was a prominent worker. Their theme was the necessity of a ten-hour law. They believed that "the time had (then) come when it was the duty of every well wisher to the prosperity of the State to unite in their remonstrance," because, as they stated, "The effect of the continuance of the existing system (of hours) must be to drive from our manufacturing villages the best portion of the native population and to fill their places with a vagrant, dependent and irresponsible class." Their indictment is that "it is accumulating a heavy burden of pauperism, breaking down the health of overworked men and women, and entailing debility and disease upon their children." The results here predicted were destined to be realized in the years following 1848.

In the years of distress the New England women in the Massachusetts mills had returned to their homes by thousands. They were both encouraged and directly assisted to do so. Many were dependent upon the towns and private charity for support even when the number out of employment was reduced as much as possible. Seemingly they never returned in full numbers. Instead their places were filled with Irish immigrants. The facts of the Irish invasion in the years after the famine of 1846 have

been much insisted upon. This new element does not appear to any considerable extent in the population of Massachusetts mill towns, however, until the resumption of production at full capacity in 1851 and 1852. There had always been a small foreign element in the mills. As early as 1842 they appear to have been present in considerable numbers among the Fall River operatives, since there was complaint in that year of "the influx of foreign laborers, whose habits of cheap living enable them to work at very low prices." In the accounts of the strike at that place in 1848, it was stated that "a great proportion of those taking part in the meetings were foreigners."

The important mill centers in the northern part of the state, on the contrary, were not reached by the foreign laborers before 1850. In connection with a determined and long-continued strike at Amesbury and Salisbury in 1852, we find the statement that the operatives were "very largely American citizens, many owning their own homes." In describing the attempts to fill the places of the strikers the account reads: "Fifty or more persons were secured, mostly recent immigrants from Ireland." While the mills were gradually resuming full operation after the depression of 1848 to 1850, complaints were rife that "the mills were filling up with Irish help." By so doing the corporations were enabled to continue wages at the low point established during the period of overproduction. They also secured a more subservient force of employees and one better fitted physically to endure the increasing strain of work in the mills. In 1846 the number of Irish in the Lowell mills had been insignificant. In January, 1853, it was stated by a competent authority[1] that more than a third of the 11,976 operatives were foreigners. This element, "composed generally of Irish," had entered the skilled departments. They made up at least a third of the employees in the spinning and weaving rooms. The reasons assigned for the displacement of the American help included the advantage of a permanent, as opposed to a shifting, factory class, the greater powers of endurance possessed by the Irish help, their willingness to accept lower

[1] Dr. Nathan Allen in a paper read before the American Statistical Association. Reported in *Lowell Journal*, Jan. 21, 1853.

wages, and their greater readiness to accede to the wishes of their employers.

The bearing of this change on the arguments as to the need of ten-hour legislation will be obvious when it is remembered that the *laissez faire* doctrinarians had bolstered up their case by asserting that no legislation could be needed to protect a factory population composed of intelligent New England workmen. Whatever might be true in England, they had argued, in Massachusetts full reliance might be placed in the ability of such a class to protect itself in all respects. So long as the operatives were of this character, no necessity was apparent for resorting to the delicate and dangerous expedient of direct interference by the General Court with the business enterprises of the state. By their refusal to act they had hastened the displacement of this native labor by operatives drawn from the very class for whom England had found it necessary to legislate. This materially weakened the position of the employers and the opponents of ten-hour legislation generally — a fact of which those demanding the passage of a statute took prompt and full advantage. In 1850 they call attention to this "important change" in which "instead of the female operatives being nearly all New England girls, as was formerly the case, the infusion of foreigners has been rapid and is going on at a constantly increasing rate," and continue, " it becomes especially important, that the Legislature should give attention to the conditions of the factory population at this time and adopt in season, all such measures, as it may safely and properly do for the preservation and improvement of their moral character." This plea was re-enforced by rehearsing the experience of Great Britain, where vice and intemperance followed the overwork of a similar factory population.

Besides this change in the operative class, the year 1850 brings a new order both in the character of the leadership and in the plan and extent of the organization worked out. The methods relied upon to secure results were new also. In the reports of meetings and elsewhere there is frequent recurrence of names prominent in the campaign during the forties and, in general, it is plainly evident that the later organizations drew heavily on the ranks of the earlier association. W. F. Young, the editor of

the *Voice of Industry*, was a prominent worker, and there is mention, now and again, of Cluer. We find no evidence that any attempt was made to induce the female operatives to participate actively in the organized effort. Here was another point of difference from the plan used in the period 1844 to 1848. One misses in the reported discussions the energetic, hopeful and stirring appeals of the female leaders. For their absence, reason may be found in the methods used. From the first the agitation moved on political lines.

During this period reliance was mainly placed on the leadership of three men, vastly different in character, and each assigned by a natural process of selection to a different work. It is significant of the change in methods that all of these leaders were members of the Massachusetts house, either through the whole or a part of the years 1850 to 1856. The most prominent place in the minds of the opponents of a ten-hour law was undoubtedly assigned to Benjamin F. Butler. Of his part in the movement little need be said. In this connection as elsewhere he was an example of that pernicious influence in American politics, the self-seeking politician. In his favor it may at least be added that having been carried into office on the rising tide of support for the ten-hour law, he served the cause both loyally and faithfully. To it he gave the full support of his tempestuous energy. Here as always, however, he appreciated to the full the "theatrical possibilities" of every situation. He was unfortunately prone to arouse animosities and increase ill feeling, and the major part of the disquietude and bitterness which attended the movement at this time may justly be ascribed to his influence. The work assigned to him was as an agitator of the cause at public meetings and as floor leader in the House in the absence of Stone. All in all it is doubtful whether his presence brought more of strength than of weakness to the cause. In the political struggle that ensued he perhaps brought a considerable number of votes to the party through the "peculiar character of his personal following," but his presence undoubtedly alienated the sympathy of an influential body of citizens not personally interested in either the mills or the operatives, but a high-minded and public-spirited class ready to support every worthy movement. Men like

Whittier could but find it impossible to identify themselves with a movement marked by the intemperate expressions, the highly excited state of the public mind, and the threats of actual violence which Butler's presence made inevitable.

Of quite a different character was the second leader, William S. Robinson, whose record before, during and after the Civil War was as unselfish, as free from questionable actions and as far removed from all tendency to engage in broils as Butler's was self-seeking, suspicious and filled with controversies and quarrels. Known as an honorable man, commanding the respect of his fellows and fulfilling his duty in the state and nation as became a loyal citizen, his whole-hearted allegiance to the ten-hour cause was a notable advantage. It was just such a cause as might well have been expected, even without any special reasons, to commend itself to a man of Robinson's altruistic temperament. However, special reasons were present to re-enforce its appeal to him. He had married one of the Lowell mill girls, a contributor to the *Lowell Offering* and one of the type which had made the "Lowell factory girls" famous in the days when European tourists placed Lowell in the same category as Niagara and Lake George. Her influence made it very certain that the ten-hour movement would always receive her husband's loyal and intelligent support.

Robinson came to Lowell in 1849 and established there a paper known as the *Lowell American* primarily devoted to advocacy of the principles of the Free Soil party but giving support freely to all labor reform and humanitarian movements. From the first and throughout the publication of this paper, it was the recognized organ of the ten-hour cause, filling the place formerly occupied by the *Voice of Industry*, but dealing more largely in logic and exact statement than its predecessor. Aside from his activity as editor of this paper, Robinson was prominent in the debates in the House. Though not a keen debater, his words carried weight and his character commanded a respectful hearing. He was the author of the minority report in 1852, an able and comprehensive argument, and did his full share of work in organizing and directing the activities of the supporters of the cause outside the legislative halls. He was more of a thinker than a man of action; but his generous nature and self-sacrificing spirit were

deserving of all admiration. He worthily typified the character of the best advocates that the movement drew to its support from outside the ranks of toilers.

It is to James M. Stone of Charlestown that first place in the trio of leaders must be assigned. He was earliest in the field. His name is first mentioned in 1845, when he left the editorial charge of the *State Sentinel and Reformer* to accept an appointment in the custom house. He claimed [1] to have introduced the movement in Massachusetts for a ten-hour reform at a meeting in Lowell as early as 1842 and to have continued his efforts steadily thereafter. He is justly characterized as "the pioneer, and most active and persevering friend of the movement." During the earlier period he appears to have held steadily aloof from any project to combine forces with an organization wider than the needs of his cause and from all movements attempting extravagant measures of reform. There is no account of any connection on his part with the New England Workingmen's Association and its socialistic entanglements. A member of the House in 1850 and 1851, he was returned in 1864 and served continuously until the close of 1867. In 1866 and 1867 he was honored with the office of speaker. In this record is sufficient evidence that he enjoyed the respect and confidence of the state. Actuated by as lofty motives as Robinson, he was as full of energy and as untiring in the pursuit of his purpose as Butler himself. Less of an agitator than an educator and more of a statesman than a politician, temperate and fair in debate, well poised, and possessed of a clear and vigorous mind, he gave himself over to the movement with a whole-souled devotion that knew no other cause and made no account of the personal exertion involved. On the score of length and effectiveness of service, and of able leadership, he may fairly be called the Lord Ashley of the Massachusetts movement.

To Stone's share fell the bulk of the public speaking in this period. This was especially true in 1852 and 1853, when the movement was at its height. He was much in demand at ten-hour meetings held at various points throughout the state. No such occasion was complete without his presence, and at most

[1] In a speech reported in the *Lowell American*, Oct. 16, 1852.

such meetings he was the principal speaker. His activity was amazing and he never failed to speak in a dignified manner well calculated to attract the support of the element most necessary to success, the intelligent and high-minded portion of the community. The new plan of organization was plainly his; his name was attached to the House report of 1850, by all odds the most able and comprehensive document called out in this entire series of legislative reports; and the one bit of original theoretical reasoning which the controversy provoked was given complete and finished statement only when it passed through his hands. With all this he was a ready speaker, quick to seize advantage, crafty to turn a point, courteous and quiet in manner and discreet in defining a position. At the hands of this worthy leader the ten-hour movement took new shape in 1850 and was but narrowly robbed of the full success it richly merited, not alone as a worthy cause but as an admirably planned, skillfully executed and steadfastly pursued campaign. The political generalship displayed was of a sort to command admiration and deserve success.

Under the new leaders an organization was achieved which, for the first time, was confined both in its extent and its objects to the limits of the question at issue — the passage of a ten-hour law in Massachusetts. However closely the policy of a single New England state might be concerned with the action of all, it was obviously advantageous to limit the extent of the attempted association to the citizens of but one commonwealth. Action must come in the state legislature. A state-wide organization was sufficient to bring the necessary pressure to bear and any larger plan met almost insuperable difficulties in getting the members together for consultation and in holding the separate units to uniform action in the absence of any power to enforce discipline or effectively command allegiance. It meant, in brief, the advantage of a compact body and a definite point of attack. Such a plan was not carried out at once. The first call was issued by the president of the New England Industrial League — a title which recalls the earlier organizations. It was addressed, however, to the workingmen of Massachusetts who are urged to meet in the cities and villages of the state and elect delegates to a state convention where shall be decided the course to be pursued

in the coming election. Seemingly it was necessary to organize the local units anew. As a result of this call, the convention met in Boston in October. There were present 32 delegates representing 22 organized labor associations located in different parts of the state. Their resolutions favored the inalienable homestead and the policy of giving the public lands to actual settlers, besides the ten-hour legislation. Significant of future action was the appointment of a committee to interrogate candidates for office and publish their replies.

As an outgrowth of the convention of this year and under the able guidance of Stone, the organized efforts of the workingmen attained their final and effective plan in January, 1852. Henceforth the movement was to be unhampered by any connection with either the older theories of socialism or the newer doctrines of the Free Soil party. It was to make its appeal strictly as a "ten-hour" organization. The new plan included several distinct features. First, the calling of a Ten-Hour State Convention, composed of delegates from separate organizations in the cities of the state. Such a convention met in Boston on January 28, 1852, and, after the failure of the General Court to act, it reassembled September 30th of the same year. Again failing to secure enactment of the desired statute, a third convention was called for October 29th of the following year. The second meeting was a considerable gathering, being attended by 196 delegates representing 16 cities and towns. Sixty of those present came from Lowell. The last meeting was said to have been smaller, not over 40 being in attendance at any one time.[1] Stone had issued his call to "the workingmen and all the friends of an effective Ten Hour law, of the several cities, towns, villages, factories and workshops and also of the various associations, which have been formed for promoting the welfare of mechanics and workingmen." These organizations he asked "to send delegates."

The last clauses indicate a second constituent part of the general plan, viz., local organizations attached to the state convention. Plans had been laid in the earlier convention, in 1852,

[1] This information is found in the petitions of the convention preserved in the Massachusetts Archives, No. 3757/28, in 1852, and No. 3737/38, for 1853. See also in the *Lowell Journal* and the *Lowell American* files.

for the formation of auxiliary clubs in the cities and towns of the commonwealth whose purpose should be to secure an "efficient ten hour law;" to disseminate information and "promote in all expedient ways the establishment of the short hour system of labor." It was further desired to secure reports to the State Central Committee of the officers and organization of such auxiliary clubs. This Central Committee was the executive body in the new scheme. It consisted of five members, a majority of whom were veterans from the movement in the forties. Stone himself served as chairman. The activities of this new organization were carefully planned and calculated to reach every section of the public. Each convention adopted an "address" and a list of resolutions; each presented a petition through its State Central Committee to the General Court, carefully defining the points at issue and the character of the act desired. The "address" of September 30, 1852, was printed as a pamphlet of 16 pages and widely distributed. In addition to a comprehensive and popular appeal meant to cover all phases of the controversy — to inform the ignorant, arouse the indifferent, convince the doubting and embolden the timid, it included the list of resolutions adopted and the minority report from the House in 1850. All in all, it made a strong document, well fitted in its various parts to appeal to all classes in the community. A copy of it was placed in the hands of each member of the legislature and of the executive branch of the government.

At the close, the pamphlet gives some account of the convention, the speakers at its meetings and the officers elected. In both these lists of officers and speakers there is evidence that all the principal factory towns were represented. We are assured that the convention was "large, harmonious and enthusiastic." All this activity in securing a well-organized and permanent force of supporters, in opening a campaign of education meant to reach with its teachings the legislature, the general public and the individual operatives and in defining with extreme care the legislation demanded of the General Court was only the preliminary work of organizing the campaign. The real fighting was to follow. Here also Stone's hand showed plainly. It was to be an aggressive fight on somewhat new lines. The main features

of the plan were three: to hold frequent ten-hour meetings in all the cities of the state in which there was a numerous population of working men and women; to give definite expression to the sentiment aroused by securing signatures to petitions to the General Court; and, finally, that all that had been done might not go by default, to carry the issue boldly into politics. Thus, they proposed to place men in the legislature in sympathy with the cause.

Each feature in this plan was vigorously and consistently carried out during the years 1850 to 1856, inclusive, the agitation reaching its height in 1852 and 1853. In these years ten-hour meetings were repeatedly held in Lawrence and Lowell, in Worcester, Charlestown, Quincy, Fall River, Amesbury and Boston. Stone was everywhere present. The character of these meetings may be judged from the published accounts. In September, 1852, a body of "four or five hundred" met in the town hall in Lawrence to discuss the ten-hour question. It was addressed by Messrs. B. S. Butterworth, Constantine and How, and thereafter voted to "support the ten-hour principle at the polls and to support no candidate who was not fully committed in its favor." Twenty-one delegates to the State Convention were chosen and a "liberal contribution made to defray their expenses." The same issue has an account of a "large and enthusiastic" meeting at Charlestown. Here, also, delegates were chosen to the State Convention. At Lowell, in October, 1853, the ten-hour meeting was attended by 1,500 men and some 200 girls. Fletcher presided, Robinson served as secretary, and both Butler and Stone spoke. The meeting was further enlivened by the presence of two delegates from Pennsylvania, Messrs. Wilde and Challenger. It seems the operatives in Delaware County, of that state, had succeeded in installing a ten-hour day and had sent Wilde and Challenger to help forward the ten-hour movement in the eastern states. It is reported that "they made a good impression and helped the cause." [1]

Though the earliest petitions for a ten-hour law had come from Bristol County, the seat of the movement in these years was clear in the manufacturing towns on the Merrimac River.

[1] *Lowell American*, Oct. 6 and 14, 1853.

The operatives of Lowell and Lawrence were throughout most active in the cause. Reason for this may be found in the lingering here of the native American element making the last fight for reformed conditions before finally yielding its place to foreign labor. The results of this agitation can be plainly seen in the growing lists of petitions handed in for the consideration of the legislature.

Even before the new movement was well started, in 1850, numerous new petitions were received.[1] These were the weaker because of a lack of uniformity in form and purpose. They came from Dennis, Yarmouth and Lowell. Those from the first two cities wish the General Court "to establish the ten-hour system for mechanics and laborers, throughout the State of Massachusetts." The Lowell petitions assign no limit to the hours of labor in the legislation requested. They mark the beginning of strong insistence on the inequality of power wielded by the individual operative on the one side and combined capital on the other. Because of this fact and to illustrate the spirit of the renewed movement, extracts may be given. There was no change in the fundamental basis of their pleas. They say: "A firm conviction that the number of hours of daily labor, required of operatives in the various manufactories of this State, is highly injurious to their physical, mental. and moral natures, and consequently detrimental to the true interests of the community, induces the undersigned, citizens of Lowell, to again call your attention to the necessity of some legislative interference in their behalf, that so useful a class of our fellows may be protected from the unequal operation of combined and concentrated wealth."

There is a plain indication of the persistence of socialistic doctrine in their conclusion, saying, "That you may be guided by that wisdom and intelligence which *practically* recognizes in our race a common brotherhood, possessed by nature with like requirements, and entitled to equal opportunities for accomplishing a high physical, intellectual and spiritual destiny, is the sincere desire of the memorialists." For the rest the petitioners after expressing their firm conviction that power to act rests in the

[1] The petitions are preserved in the Archives. The quotations following may be found in House Document, No. 153, 1850, p. 3 et seq.

General Court and supporting their contention by quoting the report of 1846, devote the larger part of their argument to renewed complaints of the requirement that all operatives should contract to remain for twelve months, a provision which, they declare, is habitually enforced by the use of the black list. This was plainly felt to be a serious grievance at Lowell.

The petitioners appeared and urged their cause before the legislative committee, "giving definite cases of oppression" under this regulation; but their efforts failed. The minority of the committee reported: "The power to discharge for the most trivial causes, but also, by an extensive system of combination with other corporations, to prevent the person so discharged from obtaining employment and the means of livelihood elsewhere is certainly a very dangerous power and liable to be abused to the oppression of the operatives and particularly those who are poor and friendless. Relying upon public opinion and the manifest interest of the corporations, not to have it excited against them," the committee was not prepared to recommend legislation. This marks the close of the attempt to secure redress of this particular grievance. It was evidently severely felt, and remembering that the agitation was coincident with the change in the character of factory labor in Massachusetts the incident must be assigned a large place in accelerating that change. The operatives had made their fight and lost. Failing to change the conditions of employment they could only seek a new field in which to labor.

The petitions presented in 1852 and 1853 show clearly the results of efficient direction. In the first year the published report speaks of 5,500 petitioners but the petitions preserved show only about 3,500 names. Lowell furnished 716, Worcester 798, Boston 346, Lawrence 472, Chicopee 276, Charlestown 344, Andover 223 petitioners, while the remainder were scattered over the state. This aroused unfavorable comment and in 1853, due no doubt to the energetic efforts of the State Central Committee the total number of signers approached 10,000 on some 30 different petitions. From Lowell came 3,311 names, from Lawrence a monster petition with 1,700 signatures; Salisbury and Amesbury sent 1,218, one petition being headed by the bold signature of John G. Whittier, Chicopee was represented by 1,125 petitioners,

Boston by 383, Fall River by 330, Worcester by 134 and the remaining petitions were widely scattered.

There is a marked change in the form of the petitions also. Those of 1852 agree, generally, in asking in terms for the passage of such an act as was proposed in 1850. They are longish and argumentative documents, varying widely in text. Misguided or ill-informed groups of petitioners are not absent who ask for a law which "would constitute a 'Day's work' to 10 hours." They injured their cause also by ill-tempered flings against arbitrary regulations "imposed by the employing corporation or imposed by this association of chartered monopolies — this *monster corporation* of *corporations* in conspiracy against the independence of labor." By 1853 all this was changed. Most of the petitions are in two printed forms, evidently issued from the same press. These printed forms are closely similar. Both begin with a concise statement that a *reduction* of hours is desired and express a belief that it will benefit all concerned. They next ask the General Court to enact a law which shall "prohibit all corporations, chartered by the laws of the Commonwealth, from employing any person in laboring more than Ten Hours in any one day;" a plainly stated request to which the written petitions also closely conformed. The longer printed form went on in a further paragraph to "represent that custom having already reduced the hours of labor in some employments to less than Ten Hours a day, a law to establish Ten Hours as the general legal standard of a day's labor, would tend to *extend* the hours of labor in these said employments, as experience elsewhere has shown, while it would be entirely powerless to reduce the hours of labor of those who now labor more than Ten Hours a day; therefore [they] most earnestly protest and remonstrate against any law to establish Ten Hours as the legal standard of a day's labor."

All these preliminaries having been carried out "the friends of a Ten Hour Law . . . determined to take the field by organized political action." In so doing it was not proposed to form a distinct political party as had been attempted in the early stages of the movement. It was on all accounts better to work within the lines of the existing organizations. A single issue can very infrequently give strength enough to a party to win elections and

carry a desired reform to a successful issue. Having placed their demand prominently before the citizens, the leaders proposed to adopt the familiar expedient of questioning candidates and to vote for no one for Senator or Representative, who (was) not known to be in favor of effective legislation. This plan was consistently carried out in 1852, when the Ten-Hour Convention adopted the following formula to propound to candidates for the General Court: "Are you in favor of the Legislature enacting a law prohibiting all Corporations in the State from employing any person in laboring more than ten hours in any one day; and will you use your best efforts to procure the passage of such a law?" In the face of so concise and positive an interrogatory and in view of the well-informed state of the public mind there would seem to be small room to evade so clearly put an issue and the artful political dodger was less in evidence than in 1846. Among the published letters,[1] answers of such character constitute the infrequent exception. Both candidates for governor, H. W. Bishop and William Claflin, answered satisfactorily to the ten-hour men. The same was true of Amasa Walker and Horace Mann, who were in nomination for lieutenant-governor. The entire Coalition ticket for state senators was pledged to the law. Though the leaders had not proposed to join their strength to one party above another, in the outcome the Coalition party, *i.e.*, a party made up of Democrats and Free Soilers, espoused the cause of the ten-hour men in a thoroughly sincere way.

Evidence of the political strength of the movement is seen in the attitude of the Whigs toward it. Thus at Lowell that party resolved: "That the Whig party in Lowell is desirous of the passage of a law . . . establishing ten hours of labor to be a day's work, not for one class or division of society but for all the people of the Commonwealth." And they soberly pledged themselves to work for the passage of such a law. There was little danger in such action since the voters were early and persistently warned of its significance. It served only to show that the Whigs were placed on the defensive. So early as 1851 "the unexampled fact of Lowell being lost to the Whig party" was quoted as a proof of how resolved the workingmen there were on the ten-hour

[1] See the *Lowell American*, Nov. 6, 1852.

question. Almost a full list of ten-hour men was returned to the legislature from Lowell in that year. During the vigorous campaign of 1852 and 1853, elections in all the mill towns regularly turned on this issue. By the latter year we find the ten-hour men[1] claiming that their organized action had controlled the election of about one tenth of the membership of the House, who were pledged in favor of the law and that there were few representatives from factory towns not so pledged.

We have seen how reluctant the workingmen were to enter politics in 1845 when the remembrance of the short life of the Workingmen's party was still vividly before them. By this time, however, conditions had materially changed and they threw themselves into the political contest seemingly with no serious misgiving. Experience and the example of other states had served to teach them that they could not hope to advance their cause through resort to strikes. The larger corporations of the state were plainly acting in substantial agreement. There was not, and perhaps could not be, in the rapidly shifting factory population, any disciplined and extensive trade union organization. In the face of the concentration of capital any efforts of individuals, or of hastily organized bodies of operatives, were futile. Petitions had failed repeatedly and there was a growing conviction that "the ballot box must decide the question." It was a thoroughly American solution and, considering all the circumstances, a wise course of action. In any contest the people have full power of choice. If the accepted lawmakers will not yield to public opinion, new men must be found. It was this power of choice that the people of Massachusetts who favored effective ten-hour legislation had determined to exercise.

The misgivings of the earlier leaders as to the wisdom of entering into politics were not without foundation as events in 1851 disclosed. Especially at Lowell feeling ran high. Here Butler signalized his entry into the contest by threats of riot and anarchy. A bitterly disputed election figured in the result, and charges of proscription of ten-hour men by the corporations were numerous and persistently urged. Some accounts[2] of events here should

[1] In a letter from Stone published in the *Lowell American*, Jan. 8, 1853.

[2] Facts stated are found in the Report of a House Committee, House Document, No. 220, 1852, and in the files of the *Lowell American*.

be given to throw light on the character both of the ten-hour movement and the opposition. Matters first came to a head in Lowell in the election on November 10, 1851. The vote was very close but under the requirement that successful candidates must have a majority of all votes cast, it appeared that eight Coalitionists, *i.e.*, ten-hour men, were narrowly elected. The three candidates receiving the highest vote, of whom Robinson was one, had but 25 more than the number necessary to a choice. In making up their returns the election officers from one of the wards made up the total of votes cast by adding the votes of the separate candidates. Because of this slight irregularity and despite the fact that the error was discovered and corrected on the following day by the officials responsible, the city officials, who were Whigs, declared that no choice had been made and ordered a new election on November 24th.

In this two weeks' interval Butler and the ten-hour issue entered together what may thenceforth fairly be called the political arena. This issue had first been urged about a week previous to the regular election but had not been vigorously pressed. The dispute over the election caused both parties to cast about for means to strengthen themselves before the people. Butler forced the fighting on the ten-hour question. It soon became noised abroad that the Boott Corporation through its agent, the Hon. Linus Child, had threatened to discharge any man voting the Coalition ticket in the second election. Accordingly a committee of Coalition leaders was appointed to wait upon Child and discover the truth of the assertion. On being interrogated by this committee, composed of A. R. Brown and Captain Peabody, both of them Coalition candidates for the legislature, Child replied as follows: "I told them there was not an individual, to my knowledge, employed in the Boott mills who was in favor of such a scheme. But if there was any who would enter into any combination, political or otherwise, with a view to produce results so disastrous to the Mills, as the proposed scheme would be, or who considered themselves oppressed by our present scale of wages, or hours of labor, such persons would be of no value to the Company and I certainly should not retain them."

This interview was on November 20th. What followed the

report of the committee has been described by Butler himself. He was evidently writing from memory long after the event but his report of his own actions should be near the truth. He charges that the Hamilton Company had openly posted a notice warning the men that "Whoever, employed by this corporation, votes the Ben Butler ticket on Monday next will be discharged." It should be premised that after the interview with Child, Peabody had retired from the contest and Butler replaced him on the Coalition ticket. After the events narrated above, Butler issued a call for a "meeting of workingmen" at which he himself was to be the principal speaker. The meeting was packed with an excited body of men. Butler recalls his speech in part as follows.[1] After a reference to the disputed election and the Hamilton notice he said: "I know the power of these corporations. I know many of the men who have been in charge. They have made a mistake in their appeal to force. When that weapon is tried, they are weak and you are strong. They have their mills and machinery, their bricks and their mortar, and that is the extent of their power. You are stronger than they. You have your right arms and your torches and by them we will blot out the outrage. As God lives and I live, by the living Jehovah! if one man is driven from his employment by these men because of his vote, I will lead you to make Lowell what it was 25 years ago, — a sheep pasture and a fishing place; and I will commence by applying the torch to my own home. Let them come on. As we are not the aggressors we seek not this awful contest." Butler's own estimate of the result of this speech was that "the effect was marvelous," and we are led to infer that as a direct result "the corporation organ repudiated this notice" on the following day.

All that Butler says of himself may not be true but that excitement ran high is evident since Robinson ordinarily an even-tempered and well-balanced man concluded a review of the events leading up to the second election with the warning: "If open war is to be declared between the people and the Factory Agents, the responsibility will rest upon those who began the warfare by oppressing their workmen, and woe be to those men against whom the people rise." In the second election, though the vote was

[1] Butler's *Autobiography*, p. 99.

again very close, four Coalitionists and but one Whig commanded the necessary majority. They were accordingly declared chosen by the election officials. One may be allowed to take some satisfaction in the fact that Butler received fewest votes of any candidate, running about 100 votes behind his ticket. The matter was finally reviewed by a House committee, which decided that those candidates receiving a majority in the first election were entitled to their seats "in spite of irregularities in making up the returns." They were accordingly sworn in and with this the dispute as to the election was closed. It did not finally end the matter however. Throughout there had been persistent charges that the corporations were exercising their power, for which the state was in a measure responsible, and were bringing pressure to bear on their employees, with intent to influence their votes. A legislative investigation was demanded and in 1852 the whole dispute was pretty thoroughly aired and a lengthy report submitted. It disclosed little that was new. It was pretty conclusively shown that on the Boott at least the men had good reason to understand that they would be discharged if they persisted in voting for the ten-hour candidates. Child's published statement had attempted to make a distinction between the question of ten hours and political issues. This undoubtedly contained the gist of the matter. Besides the visit from the Coalitionists, Child had been interviewed by a delegation of his own workmen, whom he told if the "mills contained men who were not satisfied with the hours of labor . . . and who were disposed to go against the interests of the mills . . . they were not wanted." It should be added here that Child sincerely believed that a ten-hour law meant real disaster both to the capitalists and to the workmen.

Aside from this the investigation was concerned with the case of one Mr. Farnsworth who had been returned to the legislature on the ten-hour issue and had lost his position as overseer on the Lawrence as a direct result. The most common practice had been to retain men elected to the legislature, but the agent was certainly fully within his rights in declining to hold the position open in Farnsworth's absence. Agent Southworth was further perplexed by the thought that to retain an overseer elected on the ten hour ticket would put the corporation in the light of favoring

the proposed legislation. Throughout it appears that Farnsworth was somewhat excited by the heated talk current at the time and that he was over anxious to achieve a "crown of martyrdom."

The only other charge seriously considered was that the Lowell Corporation had coerced its employees into joining a Whig association. Such an association existed but there was no conclusive evidence to show that its activity took other than legitimate form. Butler appeared before the committee as attorney for the prosecution of the charges and the corporations were also represented by counsel. The defendants weakened their cause by a very evident attempt to obscure the issue and the Child incident was never satisfactorily explained. The majority of the committee reported a bill which proposed to make any interference, by threats, bribes or menace, with the right of suffrage of an employee a misdemeanor, punishable by $100 fine or one year's imprisonment. With this the controversy was allowed to rest. The excitement aroused and the memory of corporate influence died out slowly. Perhaps the incident had value since it disclosed the real temper of the people. The corporations henceforth resorted to a counter campaign of education and argument to protect their cause. We turn then to the consideration of the contemporary discussions.

During this period (from 1850 to 1856) numerous reports were made by legislative committees. In these reports, in the addresses of the Ten-Hour State Convention and in reviews of speeches made both in and out of the legislative halls, the main lines of the opposing arguments can be definitely traced. The day for unanimous rejection of the requests of the petitioners had passed. The reformers were no longer without able spokesmen on the legislative committees. Indeed so far as these reports[1] go the position of the employees was continually growing stronger. In the House report of 1850 the majority confines itself to the sulky statement that "it is inexpedient to legislate." The minority handed down a comprehensive document adequately covering the arguments of the supporters. To this report Stone's name is attached. Again in 1852 the majority of a committee in the

[1] See House Documents, No. 153, 1850; No. 135, 1852; No. 122, 1853, and No. 80, 1855. Also Senate Document, No. 107, 1856.

House repeated the statement of the majority in 1850. There were two minority reports, in one of which Robinson again argued the case of the operatives. The second gave expression to the views of those invertebrate lawmakers, who appear in every legislative contest. The worthy gentlemen "do not feel justified in reporting a bill which shall absolutely prohibit the employing of hands more than ten hours in a day." They, however, "refer with pleasure to the evidence detailed in the report . . . as tending to show that the project is worthy of the enlightened attention of all legislators, and they hope that the example of England may before long be successfully followed in Massachusetts." As a step in that direction, presumably, they offer a bill of the "special contract" type and include a clause providing a ten-hour day for minors under fifteen. This meant simply that the age limit should be raised three years. The act would have been destitute of effect as every well-informed man knew perfectly well, including these gentlemen themselves.

A House committee again considered the question of ten-hour legislation in 1853. In this year although the majority of the committee reported as before, that it was inexpedient to legislate, the reform force was strong enough to secure the appointment of a chairman favorable to their interests, under whose leadership the case was reargued. Finally in 1855 a committee in the House reported unanimously in favor of the proposed measure and in the following year the majority of a Senate committee did likewise. Just how much of this gain in the legislature was due to the connection of the ten-hour cause with the rising tide of Free Soil sentiment cannot be determined at this distance. However, it seems clear that in a large measure it was due to a gradual strengthening of the cause of shorter hours.

During these years there had been considerable gains in the direction of shortening the working day in practically all trades outside of the factories. The old practice of regulating the length of the working day by the sun to sun rule was giving place to the ten-hour system.[1] For example, in Salem, in 1850, 79 employers of mechanics agreed to adopt a ten-hour day. It was stated to make but half an hour's difference in the hours in force.

[1] This information comes from the files of the *Lowell American*.

Only 19 employers refused the concession. The Salem carpenters and the Lynn mechanics reached a similar agreement with their employers. In 1851 the machinists in all the machine shops of Boston determined to work but ten hours a day and the proprietors acceded. The case of one of them, Mr. Southern, an extensive manufacturer of locomotives, was made much of at the time. Southern himself was thoroughly in sympathy with the reduction and declared, a year later, that his books proved that the same amount of tools and capital had turned out more work than in any previous year. In 1853 the ten-hour system was said to be "all but universal" in Worcester and to work to the mutual "admiration of both employers and employed." In the same year the mechanics in six Coalition Lowell firms succeeded in attaining a ten-hour day as a result of a strike, but in two Whig firms the demand was strongly resisted. By 1852, in the opinion of those desiring legislation, "the reform had been carried as far as it could go by voluntary adoption." It had reached the line "of combined corporate power, and it must fail of any general accomplishment, unless the corporations be restrained and brought into harmony with it by law."

Mention may be made in this connection of another influence. In 1845 the New England operatives had followed the fortunes of the unsuccessful Pittsburg strike for ten hours. Aid and encouragement was now to come to their cause from another section of that state. In 1853, letters reached them with the news that the ten-hour system had been successfully introduced in Delaware County, Pennsylvania. Later two delegates from that region visited Boston in season to attend the Ten-Hour State Convention and address the meeting. They had been deputed by their fellows "to visit the eastern states and help forward the Ten Hour Movement."[1] For this purpose they visited the mill cities and addressed ten-hour meetings. The claim was made that in the change wages had not been reduced.

Much was made of these gains in shortened hours achieved by mechanics and outdoor laborers generally. The evidence was especially useful in repelling the demand of the opponents of an effective ten-hour law that legislation should be of general applica-

[1] *Lowell American*, Oct 6, 1853.

tion. The proposed measure was criticised as "partial and unjust," in that it affected only incorporated companies. The very evident animus of this attack did not lie in any strong belief in the injustice of the measure. The intent of those employing it was plainly to load the bill with obnoxious clauses and thus make its passage impossible. This could be done with the greatest show of fairness by demanding its application to agricultural and mechanical occupations carried on by individual enterprise. The leaders of the movement were at great pains to repel this attack. They argued with force and truth that the "evils resulting from the excessive hours of labor, exist chiefly in connection with those employments which are, for the most part, carried on by the corporations. The remedial laws therefore should be applied where the evils exist and should not be carried beyond the necessity which called for them." Further they held that "the example thus set would be of sufficient weight to induce a general reduction of working time in all ordinary employments conducted by individual enterprise." Moreover, their position grew constantly stronger since in the case of small firms and individual employers concessions were continually, if gradually, made, while the corporations as steadily resisted every proposal to shorten the time of labor.

Closely related with this attempt to defeat legislation entirely was an effort to sidetrack the movement by the enactment of an ineffective law embodying the "special contract" idea. In Rhode Island such a statute had been passed.[1] Here the employers adopted the plan of meeting together and agreeing to enforce a week of 69 hours, or 11½ hours per day. It was obvious that the individual operative could not do otherwise than accept the condition imposed. At a later date, the Massachusetts operatives were furnished the warning example of the enactment passed in Connecticut in 1855 "which provided that ten hours should be a legal day's labor in mechanical or manufacturing establishments unless otherwise agreed." With this superabundance of testimony neither side in the dispute entertained any doubts as to the effect — or rather lack of effect — of such legislation in Massachusetts. In the open letter of Child, which figured in the Lowell

[1] See Alba M. Edwards, *Labor Legislation of Connecticut*, p. 74.

episode, we find him saying: "I had no objection to a law similar to the New Hampshire statute." It might cause "some inconvenience," but "I had no doubt I could easily make such bargains with our help as to the hours of labor as would be entirely satisfactory to the proprietors of the mills." The Whigs, as stated above, fully approved such a measure and it found a place in the first of the two minority reports of the House committee in 1852. Stone and those associated with him evidently felt that this was the greatest danger to be apprehended, a feeling that was fully justified by later developments.

To guard against the danger as far as possible, the petition of 1852 and of 1853 had been most carefully framed. In addition the Ten-Hour State Central Committee addressed a further letter[1] to the legislature repeating sections from their public address. In this letter they stated the case with a painstaking clearness that might have cleared the sight of the most obstinately self-blinded legislator. They state that they are "the friends of *effective* legislation" and "*do not* ask for the passage of a law defining how many hours shall constitute a *legal* day's work." This, they say, is beside the question, for "the evil we complain of is that people labor too many hours, and not that the means of measuring labor are insufficient." In the second place they "*earnestly* protested against" the passage of a law of the New Hampshire "special contract" type and pertinently added, "the *right* to limit the hours of labor by contract, working people have now. They lack the *power* only to effect such contracts; and this such a law would not give them." Instead, as they see clearly, it would only strengthen the position of the employers by furnishing them with the plausible answer to all complaints "that persons labor no longer than they contract to do." The State Central Committee rightly characterize such an act as a "measure of mockery." There could be no mistake as to their real wants: "this convention," reads their letter to the General Court, "expressing the wishes of the friends of the Ten Hour System, urge the enactment of a law, which shall absolutely prohibit all corporations chartered by the laws of the Commonwealth, from employing any person in laboring more than Ten Hours in any one day."

[1] Massachusetts Archives, No. 3757/28.

The exact form of the bill they wisely leave to their friends in the legislature. This would seem sufficiently explicit but the new ten-hour committee in September, besides reiterating all that had been said and further emphasizing the fact that what was wanted was a "*reduction*" of hours, found it necessary to add a careful statement that no "general interference by law with the hours of labor was desired" but only such a measure as would "prevent the corporations which the State has created, from interfering by the exercise of their chartered powers, and by the force of their potent example, with the progress of a beneficial reform, where circumstances demand it."

When they were forced to rely on positive argument, instead of attempting to defeat action by indirect methods, the opponents of the measure were apt to give first place to the argument that the measure would be an "infringement of the natural rights of the laborer — an injury both to the employer and the employee." "All persons," they declare, "have the natural right to dispose of their labor and skill for the most they can command for them. They are the capital of the poor upon which depend their livelihood and thrift."[1] The issue thus presented was met with a clear-cut and positive statement that left nothing to be added. The time to talk of a policy of non-interference had passed in the opinion of the ten-hour men. This can best be presented in their own words and the quotation will make possible a comparison with the report by the opposition, in 1846. It is their opinion[2] "that it is a sound general principle, that governments should not interfere with the industrial pursuits any further, than is necessary for the preservation of order and the rights of individuals. If this rule were strictly adhered to throughout, the natural laws relative to such matters would, on the whole, lead to the most successful results, and in such a manner, as would be most conducive to the general welfare. But in relation to the great business of manufacturing in this State, the Legislature, with the intention of promoting the manufacturing interests, has by its action interfered with and destroyed the natural relations ordinarily existing between the class of employers and the class of em-

[1] See Senate Document, No. 112, 1856.

[2] See House Document, No. 153, 1850, p. 23 et seq.

ployees. That natural equality of condition, which ought to exist between the two classes, and which would enable each party to exercise its due share of influence in fixing the rate of wages, the hours of labor, and all their other relations, by mutual arrangement and agreement, does not practically exist between the corporations and the great mass of laborers in their employment. The legislature, in order to concentrate power for the more successful prosecution of useful manufacturing pursuits, has, by its acts of incorporation, created, as it were, immense artificial persons, with far larger powers than are possessed by individuals." "The larger corporations employing large numbers of laborers, all act substantially in concert in dealing with laborers and avoid all competition in overbidding for labor. They are thus enabled to fix inexorably, without consultation with the laboring class, all the terms and conditions of labor. The will of the corporations thus becomes law and declares how many hours the laborers shall work, and how much shall be their compensation." The report continued the argument to its logical conclusion contending that the laborers must accept the conditions on pain of being without work and that since the state had incidentally wrought an injustice to the laboring classes while effecting other important and useful ends, the remedy must also be sought at the hands of the state. Finally, after expressing their belief in the doctrine of *laissez faire* under normal conditions, the authors of the report sum up the matter concisely thus: "If the Legislature has, on the one hand, exercised its power to strengthen the capitalist for the more successful prosecution of useful enterprises, it should, on the other hand, when occasion requires, uphold and protect the interest and welfare of the laborers against the crushing effect of that augmented power."

The *laissez faire* argument disposed of, the would-be reformers had next to meet two arguments which were most persistently used against them. The first that the inevitable result of the proposed act would be to reduce wages; the second that quite as inevitably it would operate to close the mills of Massachusetts and its final result would be to drive capital from the state. It should be stated that the prevailing rule was that help was employed on piece work whenever possible. The employers worked

on the assumption that to shorten the time of employment was to cut down the output in exactly the same measure. Therefore, they concluded, if the hours were cut from 12 to 10 wages would decrease one sixth, and the capital invested would reap a correspondingly diminished dividend during the year. Indeed capital would suffer an even greater loss since the fixed charges would remain as before. The agent on the Boott Corporation[1] argued to legislators and operatives alike that the proposed measure would cut down the output of his mills by 50,000 yards weekly out of a total of 250,000 yards. Under this reduction it would be impossible to continue wages as before. It "must inevitably lead to a corresponding reduction in the compensation paid" to the operatives. The reply of the ten-hour men was, in general, that experience had shown otherwise, that a ten-hour system had been installed in many industries in Massachusetts and wages had never been reduced. When confronted with the argument that conditions were different in the mills where the output depended on the speed at which the machines were run, they replied that much time and material was wasted in stoppage and breakage due to overtaxing those who tended the machines. Much and increasing reliance was placed on the successful experience of England. Stone especially was fully informed on England's example and furnished effective quotations from manufacturers and others as to the good effect of the law, declaring that "output had not decreased nor had wages been lowered because of the change in hours."[2] Certain incidental advantages had accrued since it meant a better, more contented and more intelligent class of mill hands.

Unfortunately there was not at this time that degree of unanimity among economists as to the law regulating wages which would cause both parties to the contention to accept their statements as authoritative and final. In so far as the employers deal in general theory, they appear to have believed that the wages of labor were directly governed by its productiveness. They argued: "The farmers, the manufacturers, and the merchants pay their hands according to their strength and skill. If people

[1] Hon. Linus Child. The letters were published in the *Lowell American* in 1851.

[2] Review of speech in the House, *Lowell American*, May 18, 1850.

expect to get as much pay for ten hours' labor as for twelve, they will find themselves mistaken; if they work but ten hours a day, their employers will, of course, reduce their wages or oblige them to be unremitting in their toil and thus secure as great an amount of labor as they would in twelve hours." The theory of wages proposed by the ten-hour advocates was based on what they termed the "great law of supply and demand." It was in essence the same as that proposed by Douglass and Robinson in 1834, but was amplified and stated with alternative hypotheses after the most approved fashion. As the only bit of economic theorizing indulged in during the discussion and because it was an ever-recurring note and evidently the pride of its expounder, Stone, it is given full statement.[1]

The operatives were taught that wages and prices generally were governed by natural law. At any given time a certain amount of the products of labor is demanded to supply the wants of society. A fixed number of laborers is available to carry on the necessary process of production. As, then, the demand for laborers exceeds, or is less than the supply, wages will rise or fall. This general theory Stone applied to the specific problem of a reduction of hours in the textile factories. Starting from the assumption that the demand for the products of the mills remains constant, he makes three hypotheses: First, if to reduce the hours to ten causes neither an increase nor a diminution of the product. In this case neither the supply of laborers nor the demand for their services will be affected. The same work will be done by the same men, and wages will neither rise nor fall. Second, if reduction of hours should increase the amount of production by the same laborers. In its effects, this would be equivalent to increasing the supply of labor. Overproduction would result in the mills. In consequence a portion of the laborers would be discharged. This would be followed by competition among the operatives for employment and the effect would be a reduction of wages. Third, if, as was generally anticipated, shortened hours should be followed by a diminution of the output. In its effects this would amount to a decrease in the supply of labor. More laborers would be needed to bring the production up to the

[1] The theory is best stated in the Address of the Ten-Hour State Convention of 1852, p. 4 et seq.

level fixed by the demand. Employers would compete in the labor market and the inevitable result would be a rise in wages. Stone concluded that the first supposition covered the case of manual laborers unaided by machinery. The second is dismissed since it "is not dreamed of as a possibility." And the third, he thought, would be generally realized in the factories. Further, he conceived that there would be additional gains accruing to the laborers. The reduction of hours affording additional leisure might be expected to improve the moral, social, and physical condition of the laboring people at the same time that wages were increased. The effect would be a rise in their demands as consumers of commodities. The supply of laborers again falling short of the need, there would be a further rise in wages. Finally, since the production of the existing mills and machinery was expected to fall off under the ten-hour system, more factories must be built and equipped. This means a new enlargement of the demand for laborers and its effect would be to enhance wages still more. Without presuming to decide what law governing wages will ultimately win general assent, it may fairly be concluded that the honors in the debate on this point rested with the ten-hour men.

As to the contention that capital would be injured by the legislation proposed the position of the corporations was that stated by Agent Child. "I also stated that in Lowell the outlay of capital and the extent and quantity of machinery had been fixed in reference to an amount of product such as our present time of running the mills would give, and that a reduction of product such as the proposed scheme would make would be equivalent to an annihilation of one sixth part of our capital stock, and that I could look upon the proposed scheme in no other light than an attempt to destroy $200,000 of our capital" and in the same proportion of the other corporations as well. The perennial defence of American interests threatened with legislation was urged — that for Massachusetts to legislate in advance of her neighboring states would mean the ruin of her business for the benefit of others. The answer was that England had succeeded.[1] While the law there was of general application,

[1] See House Documents, No. 122, 1853, p. 7, and No. 185, 1853, pp. 17–18.

still she had been forced to meet the competition of neighboring European countries and of America. This she had been able to do with entire success. As a matter of fact this very objection had been strenuously urged by the English opponents of the measure. An appeal was made to the pride of the citizens of Massachusetts. As the leading manufacturing state, it was urged that she should lead in legislation and that other states would necessarily follow her example.

Reforms are hardly to be carried in practical politics by theoretical arguments alone. A single exactly proved and scientifically established investigation showing that the conditions of factory labor were directly responsible for disease would have been worth more to the ten-hour cause than all the discussion reviewed. It was at this point that the cause of the operatives was weak. They made full use of Dr. Curtis's article previously quoted but apparently there were no other statistics available to prove the point. Stone felt the need and made ineffectual assaults on the health conditions of Lowell. For the rest they were obliged to fall back on unproved assertions and appeals to the common knowledge of all men. Thus the open letter from Amesbury declared that factory life was "accumulating a heavy burden of pauperism, breaking down the health of overworked men and women, and entailing debility and distress upon their children." The resolutions adopted in 1852 also asserted that the result of the long system of hours had "become an evil of serious magnitude, which, if there be any truth in physiological science, is contributing alarmingly to the deterioration of health and happiness, and calls loudly for reform." It cannot be claimed that these general statements and appeals to "physiological science" substantiate the contention.

Throughout the period, as in the forties, there is an entire absence of any appeal on the grounds of serious evils in the employment of children. The investigation at Lowell indicates that such evils would have been uncovered had they existed. The agitators failed also to make the most of what had been a potent argument in England — the case of the women employed. Something is said, now and again, of the helplessness of the female operatives, since they cannot protect themselves, and enforce

reforms through political action. But there is no attempt to base the movement on the necessity of securing shorter hours for women toilers on the score of protection to their health and to the health of posterity. Nor, in this period, is there any suggestion that a statute might be framed on the English model, applying to minors and females. Possibly this may be partly due to the difference in the character of the two movements. In England the appeal had been made to the humane and altruistic; in Massachusetts it was made to the voters. The plan was to secure results through political action.

An effective organization achieved, a far-reaching and vigorous educational campaign carried out, the legislature aroused by numerous petitions, and its character assured by sharp work at the polls, the issue defined with painstaking care and the cannonade of heavy arguments over, what results were secured? The days of legislative indifference and inertia were past, as the frequent reports mentioned give evidence. The earliest of these reports, that of 1850, had been accompanied by a carefully drawn bill which was evidently the final result of much discussion. It furnished the point of departure for all later bills, and thus became of prime importance in the history of the Massachusetts Ten-Hour Law. Responsibility for infractions rested on the corporation itself rather than on designated officials. The reduction in hours was to be introduced gradually. "No person" was to be employed more than eleven hours after September 1, 1850, and on the first day of the following July the final reduction to ten hours was to be made.

Stone opened the debate on the bill in the House in a speech[1] admirable for the good temper displayed. His attitude was especially praiseworthy since he had been preceded by Schouler, who had indulged in mean attacks on Cluer, calling him a "chartist agitator" and "a most immoral man," and had renewed his misstatements in regard to Miss Bagley's testimony. To the first Stone replied that "the number of those who think legislation upon this subject necessary is of late rapidly increasing, and is extending even among those who move in the most respectable circles of society." As to the second, he turned the point effectively

[1] It is reported at length in the *Lowell American*, May 18, 1850.

by asserting that the "hours of labor ought not to be so long that to use an hour for intellectual pursuits in the evening would necessarily undermine the operative's health." After rehearsing the usual arguments he concluded: "The time has at last come when the Legislature should take this subject into serious consideration. It is time to begin to *think* about it. And for the present I shall be content, if I have succeeded in directing to it some degree of that attention which I believe its importance demands. I shall then rely upon the manifest justice and necessity of the measure to secure its speedy adoption."

In this year for the first time the bill came to a vote in the House and had a "respectable favorable vote." The Democrats and Free Soilers favored the measure while the Whigs opposed, with "some honorable exceptions." Among its supporters was Boutwell, governor in 1852. This the petitioners in that year, who united in desiring the passage of this same bill, were careful to point out. In 1851 the bill was referred to the next General Court on Stone's own motion, on the plea that there was no time to go into an investigation of the subject. In 1852, following the first meeting of the Ten-Hour Convention, the matter again came to a vote. The matter was complicated by the split report comprising three opinions. The Ewing bill which included the "special contract" feature was first rejected, 45 to 94. The debate then considered a bill proposed by Robinson, which followed that of 1850, except that it added a third section in regard to the time of application. The proposed law would begin by imposing a twelve-hour day, after an interval of six months an eleven-hour day was to be introduced, and after another six months the desired result, a ten-hour day, was to be attained. There was also a section of exceptions. This was slightly enlarged in 1853. It excluded from the provisions of the act persons engaged in mining and the employees of railway and steamboat companies. It also permitted the employment of persons through longer hours if necessary to make repairs and so prevent the stoppage of the mills.

Despite these concessions Robinson's bill shared the fate of Ewing's, being defeated 48 to 117. There is little in the published

accounts[1] of the debate to lead one to admire the character, or the caliber, of the legislators. Robinson was moved to remark: "Ignorance dense as Egyptian darkness pervades the minds of the great mass of the people on this subject — an ignorance that can only be dispelled by free and earnest discussion, perhaps only by separate political action. This last is often a great awakener of ideas."

The second Ten-Hour Convention and its campaign of education and politics followed. The most immediate result of that campaign and the first gain for the short hour forces was a simultaneous reduction of hours to eleven in the machine shops of Lowell, Lawrence, Manchester, Biddeford and Holyoke. This came late in September, 1852, and was accurately timed to affect the fall election results. The men in the machine shops had votes, the women in the factories none. Hours in the factories remained as before. Despite this attempt to forestall legislation the bill came to a vote in the House in 1853 on a motion by Nayson, the chairman of the committee responsible for the report in that year, to substitute the minority report for that of the majority. He spoke earnestly in favor of the bill and it passed the House triumphantly with over 40 majority; 107 Coalitionists and 30 Whigs favored the bill; 6 Coalitionists and 89 Whigs opposed; 62 were absent, almost equally divided between the two parties.

This success was not attained without the measure being forced to withstand an ordeal which its friends had expected and feared, viz., an attempt to pass a sham law modeled on the New Hampshire plan. Such an amendment was offered and narrowly defeated on a yea and nay vote by a majority of 12. Ten days later the bill came down from the Senate so amended as to make "ten hours a day's labor for *all classes* unless otherwise provided by contract." In view of all that had been said and done to prevent this very result, its adoption by the Senate can only be characterized as a gratuitous insult to the people. No good could possibly come of such an amendment. On motion by Butler, supported by Nayson and Robinson, the House voted to nonconcur. However, the failure to attain complete success

[1] *Lowell American*, May, 1852.

was by the narrowest of margins and the corporations having sufficient evidence of the determined character of the movement extended their concessions to the operatives in the mills. Eleven hours became the general rule in September, 1853. The day's work lasted from 7 A.M. to 7 P.M. with 45 minutes at noon for dinner, and an earlier closing on Saturday. As before the corporations acted practically as one. Those in Lowell and Lawrence introduced the change on the same day. Salem, Newburyport and other cities followed.

The Robinson bill of 1852, shorn of its two now useless sections, was debated in the House in 1854. The movement, however, was beginning to lose strength. Robinson had been compelled to leave his post in Lowell, having been almost literally starved out. Influenced probably by the concession in hours, elections had gone badly for the Coalitionists. The entire Whig ticket was returned from Lowell. The Ten-Hour Convention had not been a complete success and having lost the support of the *Lowell American* the movement flagged temporarily. The bill was refused a third reading in 1854. Petitions in its support had been referred to the Committee on Parishes and Religious Societies, though a joint special committee existed for their considerations. In the following year a bill practically identical with those previously considered was introduced. It was favorably received and ordered engrossed, 191 to 81. Both operatives and employers were stimulated to new exertions. A war of petitions and remonstrances followed. It was charged and denied [1] that the remonstrances were circulated directly by the agents and pressure exerted to secure signatures. However that may be there were over 2,000 signatures to a remonstrance from Lowell. Other petitions asked for an eleven-hour law and enough was done to discredit the attempt and enable the House to take refuge in a motion to refer both the petitions and remonstrances to the next General Court. The year was marked by a strike of more than the ordinary strength and determination at Manchester. The eleven-hour system had been put in force there in 1853. An attempt to increase the length of the working day caused the strike which involved 5,000 operatives and closed a part of the

[1] Charged by the *Boston Herald* and denied by the *Lowell Journal*, March 8, 1855.

mills. Excitement ran high for a time. The strike lasted almost a month and resulted in a victory for the short time principle, much to the relief of operatives in neighboring states.

The final attempt to secure a ten-hour law so far as this period was concerned came in 1856 as a result of the Senate report of that year. The accompanying bill was a much weakened one. It applied only to minors employed in cotton, silk, woolen, bagging, paper or other manufactory, incorporated under the laws of the state. Their employment for more than sixty hours in any one week, or more than an average of ten hours per day during the same period, was forbidden. The penalty of from $10 to $50 was imposed for "knowingly" violating the bill. There is no record of its consideration. The Civil War was approaching, bringing new problems and new tasks for the members of the Free Soil party. To the larger task its leaders loyally devoted their energies and the ten-hour reform was disregarded during the following nine years. The Civil War period made large readjustments necessary in the Massachusetts factories. Many of the cotton mills were closed and their operatives scattered. The phenomena of the depression of 1850 were repeated on a larger scale and for an extended time. With the reduction of hours to eleven gained in 1853, the operatives were compelled to be temporarily content.

IV

THE EIGHT-HOUR AGITATION — FINAL SUCCESS — 1864–1874

If the true cause of the collapse of the ten-hour movement in 1856 was the turning of the thoughts of the people to the impending civil conflict and the calling away of the labor leaders to a larger field of duty (and that such was the case seems fairly clear) the immediate and widespread revival of the cause, even before the war was fairly over, gives evidence of the strength and vitality of the movement. Doubtless the spirit of the times was favorable to the success of the proposed reforms. We have seen that the Free Soil party gave large support to the ten-hour cause. The politics of the war period gave this element control in the state legislatures. This may well account for the readiness with which labor legislation was given a hearing in 1865 and 1866. Quite apart from any question of politics the free spirit of the times made for a sympathetic attitude towards those who were bearing the burdens of society.

New leaders drawn from anti-slavery ranks came to the aid of the movement, notably Wendell Phillips, who spoke and wrote very frequently, urging the shortening of hours. He advised the introduction of the methods of agitation which had proven successful in the attack upon slavery. Butler came back from the war to give a wider scope to his ambitions. However, he never failed to extend his good wishes for future success, and to claim at the same time a share in past victories. As early as December, 1864, labor sentiment was strong enough to warrant the establishment of a daily paper[1] in Boston. Early in the next year, a Senate committee reporting on the disparity of the sexes in Massachusetts and the advisability of assisting young women to emigrate to the West, disclosed valuable information as to

[1] *Daily Evening Voice*, issued regularly, Dec. 9, 1864, to Oct. 16, 1867.

factory conditions and the position of labor. In the same session a joint committee reported favorably, after hearings, on the subject of legislation to shorten hours, and asked for the appointment of a commission to investigate thoroughly. This was done. Both the fact that the report of 1865 based its conclusions on broadly stated humanitarian grounds and that it instituted a move toward exact investigation were significant of new phases in the movement. Strong sympathy guided and reinforced by complete knowledge of the facts was to make reform certain and permanent. In the first generous impulse of this revivified sentiment, however, one mistake, due to excess of zeal, was to be committed.

The period of the war had been a period of great confusion in all industries, and this was particularly true in the factories. On the one hand the woolen mills had been stimulated to an exaggerated production; on the other the cotton mills had been partially or completely closed because of a famine in raw cotton. The labor force had been scattered. Some of the men had gone into the ranks. The westward movement had continued at an accelerated pace. With the reopening of the cotton fields to cultivation the mill owners were confronted with an almost limitless demand for cotton goods and a great scarcity of labor. Conditions in 1864 and 1865 were favorable to the success of labor movements as they had been in 1842 and in 1852. The operatives were quick to see and avail themselves of the advantage of their position. Significant of the situation was the order issued to the overseer by the agent of the Suffolk Mills in 1865. The mule spinners struck for higher wages. Orders were issued that the works must run; help must be paid whatever was necessary to keep them on the corporation. It was predicted in 1865 that when the mills came to be run again at their full capacity there would be a great scarcity of female labor and a great advance in the rate of wages.

Aside from the advantage given to the employees on the score of wage, the most important feature of the conditions in 1864-66 was the large increase in the number of foreign operatives. This movement was parallel to that from 1846 to 1852, and equally important. At the earlier date the largest numbers came from

Ireland. To the Irish were now added large numbers of French from Canada. Much of this labor was directly solicited and aided to emigrate to America.[1] From Lowell, Lawrence, Fall River and Salem agents had been sent to Canada and Great Britain to secure operatives. How far the change had gone by 1865 cannot be exactly stated. The city clerk at Lowell estimated the proportion of foreigners at four fifths of the total; at Springfield it was stated as seven eighths of those in the cloth mills; at Lawrence the city clerk thought it might be 60 per cent; the agent of the Naumkeag Mills at Salem stated that five sixths of the operatives were foreign. The change had probably gone farthest at Fall River. In this year the treasurer of one of the mills there wrote that the six or seven thousand operatives, constituting by far the largest class of the community, were, "almost without exception, foreign or of foreign descent." In 1868, in an attempt of the deputy to collect information that would aid in enforcing the child labor laws, replies were received from 343 out of 927 establishments. These employed a total of nearly 48,000 operatives, of whom a little over half were foreign born. This probably fell short of the truth for those not replying were doubtless the mills where child labor, and by inference foreign labor, was most prevalent. Of the races represented the Irish predominated in Lawrence and Lowell, "comprising the great bulk of the help in the carding, spinning and weaving rooms of the great mills." In the manufacturing towns of the southeastern part of the state, the Scotch and English were most numerous. The French Canadians were employed in great numbers by the factories in the Berkshires. They were coming to Fall River in increasing numbers by 1868, also, and "were not wanting in other parts of the State."

Both the calling away of the male population to the army and the changed character of the factory population were probably responsible for the increase in the proportional number of women employed. This may have been of influence in the final form taken by the law. Other important results arose from the change in the factory population. It was less able, through ignorance, to plead its own cause; less well informed, it accepted conditions

[1] It was so stated by agents and treasurers of the mills. See Senate Report, No. 156, 1865, pp. 35-38.

as they existed and lent no aid to reform; unaccustomed to concerted action, it was more helpless before combined corporate control. The responsibilities and the burdens previously assumed by an intelligent native-born class of operatives now fell on the shoulders of the philanthropic and public-spirited. The experience and example of England in leading the way in factory legislation was felt to have an added significance, since the Massachusetts operatives could no longer plausibly be said to differ from those protected by the English statutes.

The scarcity of labor joined with the changed population also operated to bring into the mills an evil from which they had hitherto been comparatively free. When the minds of the citizens of Massachusetts were freed from exclusive attention to the war, they awakened to the fact that child labor had grown to the dimensions of a serious evil. A well-informed writer [1] stated the matter concisely in 1867. He was dealing with conditions in the Indian Orchard Mills primarily, and wrote: "I have admitted that there are great abuses in the employment of children. Our whole factory population is changing from the single men and women of native birth . . . to a resident population composed mainly of English, Irish and French Canadians, requiring separate tenements and the whole family, save one or two, working in the mills. The adults are ignorant and illiterate, and force their children to work and when operatives are scarce, as they have been, the mill owner is obliged to allow the employment of the children or lose the whole family, thus causing his machinery to stand idle."

Public attention having been called to this evil legislative action was almost immediate. A new child labor law was one of the first results of renewed discussion of labor conditions. The existence of serious abuses seems not to have been questioned, but exact statements as to their extent or severity are few. Apparently no man openly defended the practice of employing children. There was practically unanimous approval for the sentiment of Phillips, who said: "The end to be ever kept steadily in view is that every child shall have a *fair* chance and as far as possible an *equal* chance with every other to unfold his own

[1] E. A. in *Daily Evening Voice*, Jan. 2, 1867.

nature and enjoy and improve the world into which God sends him."

The Lawrence Mills were working eleven hours as the regular day, with two hours overtime on three evenings of the week. Some of the mills at least were working five nights a week. It was stated that a third of the overtime workers were children, and that a majority of the night workers were under eighteen, some of them being as young as twelve.[1] Apparently the evil of child employment was greatest at Fall River. Mr. John Weld testified before the commission in 1865 that his two children, aged seven and eight and a half years, respectively, were working daily in the mills of that city from 6 to 12 A.M. and from 1 to 7 P.M. The Short Time Committee wrote from that place also that 652 children, from 8 to 14 years of age, most of whom could neither read nor write, were employed in the mills. They were working a little more than eleven hours daily in rooms heated by steam from 80 to 85 degrees. Other than this the evidence was confined largely to general statements. The commissioners[2] after hearing the evidence and gathering what information they could were convinced that "the most marked and most inexcusable evil" in the factories, and one "that appealed legitimately to the legislature for redress" was the condition of the children employed therein. They report a "saddening amount of testimony by letter and at the hearings concerning the frequent and gross violation" of the existing law, and continue: "we by no means suppose this violation to be universal. We have had cheering testimony from Lowell, in particular, of the faithful observation of the law in that city, and the high regard in which it is held. There may be other places from which we have not heard, where the statute is strictly obeyed." The evidence was said to implicate Taunton, New Bedford, Lawrence, Sudbury, and especially Fall River. The commissioners were sure that "the evil needed only to be seen to be removed" and that "the people had no conception" of the wrong. They recommended that the day be shortened for children and the annual school requirement lengthened.

Thus assailed on its weakest side, the legislature moved hastily

[1] *Daily Evening Voice*, Oct. 26, 1865, reporting hearings before the legislative commission.
[2] House Document, No. 93, 1866, p. 4.

and responded with an extreme measure which under the existing conditions could not be enforced. The labor movement of the time called loudest for an eight-hour day. At a mass meeting in Faneuil Hall in 1865, demand had been made for an eight-hour day for workers under eighteen. The eight hours were to be included between 4 A.M. and 8 P.M. The law passed in the following year partially fulfilled this demand. It was provided that no child under ten should be employed in any factory; that none under fourteen should be employed more than eight hours a day; and that children employed between the ages of ten and fourteen must receive six months' schooling annually. In the following year, efforts were made to secure the passage of an eight-hour bill of general application. The proposed measure was first amended to become a ten-hour law, and in the final outcome in the Senate it became a modification of the child labor law of the previous year.

The opposing legislators came from Worcester, Berkshire, Suffolk and Essex counties. The bill was referred to the committee on education, and as finally passed replaced the earlier law by a requirement that no child under fifteen should be employed more than sixty hours in one week. The schooling requirement was reduced to three months, and the penalty applied only to those "knowingly" violating the statute. So far as the reasons for this considerable weakening of the law are disclosed in the reports[1] of the debates in Senate and House, it appears that pressure was placed on the legislators by their constituents. The manufacturers felt that they could not afford to employ children if they were to be in the mills but half the year. It was declared that Canadian operatives could not be induced to come into Massachusetts, or to remain when already there, if they were not allowed to keep their children constantly at work. It was assumed that the mills could not be kept running without the introduction of Canadian labor. The argument was further urged that "These people are destitute and absolutely dependent upon their labor for existence. No doubt they are unfortunate; but the circumstances which surround them are not within the scope of our legislation. They were born in misfortune and by

[1] *Daily Evening Voice* gives fairly extensive reports.

enacting this bill [six months' schooling and sixty hours per week for all under fifteen] we but increase the mischief." The provision for sixty hours per week rather than ten per day was commended, since "it would not interfere with the time tables." The children, it was said, could work eleven hours daily and half a day on Saturday.

The principal reason for changing the school attendance requirement seems to have been the discovery that six months was longer than the average child in fishing and farming districts was accustomed to be present. It was felt that there was no reason for exacting more from the manufacturing than from the agricultural population in this respect. Besides, it was discovered that in some districts covered by the law the schools were open but four months in the year. Much was said of the tendency of the bill to "promote idleness and vice." In seeking for the sudden change of front one is forced to conclude that in the indignation at the disclosures of abuses in employing children in factories and in their zealous desire to correct these abuses, the General Court had acted with insufficient information. The prejudices to be encountered were strong. It was necessary to take account of the predilections, not only of the corporation agents, but of school committees and teachers, of the children themselves and especially of their parents. The incident is a sample of sudden reform — reform which outruns the public conscience and is not preceded by the necessary period of agitation and education which serve to intrench the legislation secured behind a sympathetic and intelligent public opinion.

One further feature of the child labor legislation of 1866 and 1867 deserves mention. This was the authorization of the appointment of a deputy constable charged with the duty of enforcing the laws. He was also to inspect the factories, investigate the conditions under which children were employed, and collect statistics as to the extent of child labor. The force allowed was absurdly inadequate and the immediate result in law enforcement practically nothing, but the innovation was of large importance since it marked the beginning of a policy of factory inspection. Some valuable information was disclosed also. The first deputy constable was Mr. Henry K. Oliver, "a distinguished citizen of

the Commonwealth, and in full sympathy with the purpose of the law." He proved an able and energetic officer and made a valuable report in 1868 and another in 1869. Because of the impossibility of securing convictions under the law he resigned in disgust after two years' service. His successor was Capt. J. Waldo Denny, who served until the establishment of the police commission in 1871. After that time no special officer was detailed but each member of the force was instructed "to ascertain by interviews with children employed, by examination of school certificates, or other evidence if there is compliance with the provisions of the law." Their attention was called to the statute of 1867, but they were carefully cautioned "not to incur extra expenses in making investigations under the law, unless upon reliable and positive information of a violation of its provisions." In such cases they were to proceed as in any other criminal matter. The commission was abolished in 1874, and Geo. E. McNeill became deputy constable. He was a thoroughly efficient official and a worthy successor of Oliver. The number of deputies became two after 1879 and finally, in 1888, an adequate force of ten inspectors was provided.

The evidence is conclusive that the child labor laws were not enforced, at least before 1879.[1] This was not due to any lack of energetic action on the part of the constables. It was rather due to the fact that the penalties provided applied only in case of one "knowingly" employing children contrary to the statute. This word had been "invidiously inserted as an amendment on the passage of the act in the Senate and nullified it completely." Oliver made repeated attempts to secure convictions under the law and as repeatedly failed. Convinced of the impossibility of successfully filling his position as public prosecutor, he threw up his commission. McNeill reported in 1875 that he "found the laws inoperative." "In many places they were misunderstood; in others it was believed that the child labor laws had been repealed; in others a desire was expressed for the adoption of some method by which the employer and child alike could be protected from a misrepresentation as to age, schooling and previous employment."

[1] See report of Geo. E. McNeill. Senate Document, No. 50, 1875.

The most praiseworthy action of the new officials was their attempt to secure adequate information, and their careful study of the results of English experience in enforcing similar statutes. Both Oliver and McNeill attempted investigations meant to expose the exact extent of the employment of children in the factories and the effect of such labor upon school attendance. In neither case were anything like complete returns secured, but their respective reports were much better and more comprehensive compilations than anything before published. They showed conclusively that serious evils existed; that *many* children were illegally employed, and especially that many were deprived of school privileges. McNeill opened his report in 1875 with the statement: "There are in this Commonwealth upwards of 10,000 children of school age, who are growing up in ignorance, contrary to the ancient policy of the state and in open violation of the letter and spirit of existing laws." This was probably beyond the truth, his analysis of census and school statistics not being convincing. But the report makes certain that many children had no school privileges.

Oliver enumerated[1] the defects of the law of 1867 and suggested as needed amendments that the age limit be raised to thirteen years. If this were done "and ten hours made the legal day's work for all," he thought the difficulties encountered "would be mainly overcome." He had evidently made a careful study of England's experience and the measure taken there for enforcement of the law. This he treated at length in his report, giving documentary forms and carefully explaining the workings of the legal machinery. This example McNeill emulated in 1875. The two reports thus make a notable contribution to the available information in Massachusetts on efficient means of law enforcement. Weight must be assigned to them as influencing later action in this direction.

When agitation for shorter hours was renewed in 1864 the established time tables in the larger manufacturing towns provided for eleven hours. The rule was to begin work in the morning either at half past six or at seven o'clock, after breakfast, and shut down for forty-five minutes at noon. The long hours system

[1] See his report in Senate Document, No. 21, 1868.

was still in force in some of the smaller manufacturing centers. This was true at Waltham and in the Middlefield woolen factories, where the hours were stated to be 11¼ to 11½ and 13 per day, respectively. Eighty-four establishments reported in 1867; of these 5 worked ten and three fourths hours; 63 eleven hours; 4 twelve hours; and 12 irregular hours, from eight to fifteen at different seasons. Advantage was taken by the operatives of the conjunction of a scarcity of labor with an intense demand for cotton goods, to enforce further reductions, to the eleven-hour standard. Thus at Taunton[1] the greater part of the Eagle Cotton Mills' operatives turned out early in September, 1865, demanding that their daily hours of labor be reduced from thirteen to eleven. At almost the same time the Woonsocket factory hands succeeded in reducing their daily working time by two hours. Having received eleven hours a part of them demanded a ten-hour schedule. A month later the operatives in the Wamsutta Mills, by means of a strike affecting "several hundred hands," were successful in an attempt to reduce hours from twelve to eleven. The movement seems to have been general throughout the New England factories. The operatives were demanding ten hours and "secured concessions of an hour and a half," making the day eleven hours long. Outside the factories among masons, carpenters and mechanics generally and in practically all industries except farming the standard working day was ten hours. In these industries the laborers were at no disadvantage in bargaining power. Having secured a ten-hour day they were looking forward to further reductions in the time given to labor.

In the early years of the period the movement for a ten-hour law was in great danger of being displaced in favor of a more radical demand. The eight-hour agitation was so prominent throughout the year 1865 that the older cause was forced into the background and its speakers were little heard. This, while a hindrance for the time, was indirectly of assistance. The extreme demand for an eight-hour day might arouse prejudice, but it would pave the way for the granting of a smaller concession, just as the ten-hour forces had secured an eleven-hour day in 1853. The eight-hour agitation began even before the close of the war.

[1] This information comes from the *Daily Evening Voice*.

The only labor periodical in Massachusetts was committed to this cause and consequently gave but grudging support to any more moderate movement. It was in reference to a demand for an eight-hour day that the commissions of 1866 and 1867 were appointed and carried out their investigations, though in neither case did the result add largely to the strength of the proposed reform.

The most prominent leader in the eight-hour agitation was Ira Steward, who was secretary of the Labor Reform Association in 1865. The name recalls the organization of the forties. His pamphlet, "The Eight Hour System; a Reduction of Hours is an Increase of Wages," set forth the philosophy of the movement. On the formation of the Eight Hour Grand League he was a charter member, and later became its second president. In the first organization of this body, the delegates had been drawn from the Trade Unions in Boston and its environs. Its single object was "to place on the Statute Books of Massachusetts a law making eight hours the length of a day's work." The motto adopted carried out this idea. It was "Eight Hours a Day's Work in the Old Commonwealth." In a mass meeting[1] at Faneuil Hall, at which Wendell Phillips was the principal speaker, a program was laid down to which reference has been made in discussing the child labor legislation of the period. It included, as previously stated, demands for a law forbidding the employment of any minor under eighteen, more than eight hours per day, the work time to fall within the hours between 4 A.M. and 8 P.M. It further proposed a clause absolutely prohibiting incorporated companies employing "laborers or operatives more than eight hours per day." A final section provided that eight hours should constitute a day's work in the absence of a written contract to be annually renewed.

Such being the program, the leaders moved promptly and vigorously to secure its adoption. Their partial and short-lived success in securing the enactment of the first demand has been reviewed. The leaders planned to form societies in all the cities and towns of the state as well as in the various wards of Boston. These were to be under the general direction of the Eight Hour

[1] Reported in the *Daily Evening Voice*, Nov. 3, 1865.

Grand League. The intention was to conduct a vigorous campaign of education through public meetings and to press for legislative action by presenting petitions to the General Court. Astonishing activity was displayed through the fall of 1865. It proved the leaders worthy successors of those in charge in 1845 and in 1852. But their efforts were as short lived as they were strenuous. High water mark for the movement was reached in the early months of 1866. At the second meeting of the League, assembled in January of that year, fourteen local auxiliary societies were represented by delegates. A legislative committee was even then sitting to consider the proposed measure. From it was to come the recommendation which resulted in giving the state a drastic child labor law. This commission, however, gave no support to the further contentions of the eight-hour men.

They were represented on the commission of 1867[1] by one of their most active leaders, Edward H. Rogers. The majority decided against their proposal since it was not demanded by the people, a conclusion to which Rogers was forced to assent, so far as it applied to factory labor. He, however, presented an extended argument in a minority report. This rehearsed the eight-hour philosophy and closed with some decidedly weak recommendations suggesting laws providing for ten hours' labor on the farms and in the factories and eight hours for mechanical labor. In each case the enactment was to be of force only "as a legal standard for a day's labor, in the absence of contracts." The report is an able document and Rogers's effort incorporated valuable historical material. The weight of the argument, however, was clearly against the eight-hour demand.

In 1866 there is good evidence in the absence of public meetings in the factory towns that this agitation had spent its strength. Eight-hour meetings had been very numerous in the preceding year and included an eight-hour picnic at Beverly attended by 4,000 enthusiasts. The return of laborers from the ranks after the war, and the coming of settled conditions in industry with a consequent removal of the scarcity of labor doubtless helped to break the strength of the proposed reform. In April, 1866, the Eight-Hour bill was debated in the House and decisively defeated,

[1] Their report is House Document, No. 44, 1867.

109 to 52. Thereafter it was proposed to raise $5,000 to be used in agitating the cause and as a publishing fund. Of this fund James M. Stone was to be treasurer. An appeal for financial support was made to the factory girls of Massachusetts "whose long hours and low wages are an abomination in the light of our advantages and professions." But the demand was in advance of its time. The factory girls were giving support to a more moderate plan. Money was not plentiful among the workingmen from whom support was to be drawn, and in 1867, on a new failure to secure legislation following Rogers's recommendation, the movement and its accredited periodical perished together.

The field thus cleared, the ten-hour movement emerged again, having lost nothing in its strength of purpose because of temporary retirement. The character of the movement was somewhat modified — partly because of the progressive change in the character of the mill population; partly because of the coming of new leaders to the support of the old and tried organizers of the movement; but most of all because of the change in the nation's leadership and ruling ideals — due to the spirit aroused in the war. There is less insistence on actual injury to the health of operatives; more on his right to share, through enlarged leisure, in the higher things of life. There is an absence of socialistic or communistic ideas; a pervading and all-including spirit of humanitarianism. One hears less often that labor is the sole source of value; very frequently that all deserve a fair share in that which all have created.

For the prevailing spirit, of course, the leaders were most directly responsible. Mention has been made of the support received from Wendell Phillips. He was constantly called upon to address both eight-hour and ten-hour meetings. His connection with the movement at the time, however, was more largely that of the distinguished citizen whose presence gives weight and character to a cause, than that of a leader actively engaged in organizing and directing the efforts of the reformers. Beyond the suggestion that the necessary first step was persistently to agitate until public attention was compelled to take account of their complaint, he had little help to offer as to methods. One searches in vain for any clear-cut conviction on the subject of

hours of labor and their effect on the operatives. An early speech gives his philosophy of the question: "I hold that the hours of labor should be such that capital should receive a fair compensation and yet give the laborer the largest possible leisure to become educated and refined. This limit must be determined by experiment." Other prominent anti-slavery leaders were confidently appealed to for support in the renewed movement. Garrison, Gerrit Smith and others responded warmly.

Stone early returned to the field. There was no diminution in his zeal; no intimation that he had lost any part of his confidence either in the full justice of his cause or in the certainty of its final success. He assumed at once his old position as the rightful leader of the ten-hour forces. He soon came to fill a more responsible position in the government of the state. This made his influence greater but left him less free to devote his energies to the work of agitation and organization. He had been returned as a member of the House of Representatives from Charlestown in 1865. His political affiliations are disclosed in the report of the Republican State Convention of that year. At this meeting he was a prominent delegate. Shortly thereafter he spoke at a Short Time rally in Charlestown together with Rogers, Steward, Griffin and others. Since a letter from Phillips was read also it is fair to say that all elements of the movement were represented. In the session of the legislature, 1866, Stone was elected speaker of the House, an event in which the *Daily Evening Voice* found cause for congratulation, pointing out "that he was the first mover for the reduction of the hours of labor in Massachusetts." He was re-elected to the speakership in 1867, so that both child labor laws were passed during his service in that position. At the time of Stone's elevation to the speakership, Robinson became clerk of the House. Butler, the third of the old leaders, had entered Congress.

The active work of organization and agitation — the field work in this campaign — fell to the share of a new leader, T. C. Constantine of Lawrence. This city became the center of the movement. The character of his leadership as well as the spirit which animated the attempted reforms, will be indicated by extracts from his addresses. Speaking at Lowell early in 1867, he is reported as

saying: "The great question that operates in my mind is this, that we are moulded in and ought to be stamped with the dignity of men and women. We aspire to a higher destiny; we aspire to as high a condition in society as any other class, and I am proud to say that our greatest men have sprung from the working classes. . . . You know that you are not intended to be beast of burden; you are not intended to spend all your lives in toil as tributaries for the wealth of others; but you are designed to have the advantage of all the discoveries and improvements which this age of progress is constantly producing. Every discovery, every invention, which has been made to supersede human labor was intended for the workingmen, knowing that men should not be compelled to compete with machinery or starve to death in a vain endeavor to do so. . . . We are sent into this age of being, and with this life for the purpose of being happy and to prepare ourselves for a higher and nobler destiny than we can possibly meet with our opportunities. Give us ten hours a day instead of eleven, and it will give us an opportunity to some extent of making ourselves answer the ends of our being more perfectly than we possibly can under the present system."

Later in the same month, speaking again at Lowell, he said: "Now I deprecate the idea of strikes. They are not calculated to produce a friendly feeling between employer and employed. They rather widen the breach than otherwise, and we find that as corporations become rich they become less considerate and pay less attention to the comfort of their people. . . . I believe that all changes involving the different departments of society ought to be gradually progressive. They ought not to be advocated too fast. I believe that if it had not been for the eight-hour movement, the working people of this city (*i.e.*, Lowell) would to-day be working eight hours a day in the factories."[1]

The humanitarian spirit which animates this new leader is noteworthy. Henceforth the appeal most strongly urged by the ten-hour men was the inherent right of the laborer to share in the fruits of the general progress of society. The introduction of labor-saving machinery should redound to his advantage in the same measure as to the other members of the community.

[1] The speeches are reported in the *Daily Evening Voice*, Jan. 12 and 28, 1867.

His share of the accruing benefits would most logically be secured through shortened hours. Further, the leaders desired that the change should come gradually and peacefully. They consistently preached the doctrine of the mutual interests of employers and employed as joint workers in production.

With this new viewpoint Stone was in hearty accord. At a notable mass meeting in Lawrence, in January, 1867, at which he was the principal speaker, he asserted that the question of the adjustment of the hours of labor was the great movement of the times in the northern states. This was true because it was essential to the welfare of the country at large that matters should be so ordered that the men and women who furnished the labor for the productive industry of the country should have a "just and fair share in the profits of these operations." It is significant perhaps of the source from which the new spirit of the movement arose to find these considerations joined with allusions to the readjustments made necessary by the war. The anti-slavery agitations and conflicts aroused sympathy and interest for the wage-earner as well as the slave. Evidence of an enlarged horizon is found in Stone's further statements: "Now [the ten-hour] question concerns various classes in the community. In the first place it behooves us to inquire how a shortening of hours of labor will affect the conditions of the laboring classes. Secondly, and it is a matter we should look carefully into, how will this reform affect the employers, because if the employers are not left in prosperity their ill fortune will rest on the employees. The third question is, how will this change affect the great public beyond these two classes, because the general welfare must be promoted at all events and individuals and classes must submit to any temporary inconvenience which shall promote the welfare of the whole."

These three questions Stone proceeded to consider in turn. In answer to the first he restated his demand and supply theory at length. Evidently it was at this point that the conflict of ideas was most hotly contested. As for the effect on the employers, the contention was that any loss caused them by a possibly decreased production relatively to the capital invested, would be met by an increased price. The burden would then fall "upon the great mass of the community, the laboring men themselves

bearing their share in the enhanced price paid for the goods." As for the third point, Stone was convinced that the general public would share in the benefits of the uplift in the morals and intelligence of the operatives, which would follow with greater leisure for self-improvement. A republican form of government, in his opinion demanded an educated and honest citizenship. Throughout Stone declined to admit that the question as to whether the reduction in hours would better the condition of the working class was open to discussion. This point he thought thoroughly established by experience and he referred effectively to the results of such a reform in England and in Massachusetts.

The organization built up to support the movement differed but slightly from that in the fifties. Various forms of labor organization existed. The New England Protective Union still lingered. Trade Unionism was strong enough to maintain a Workingmen's Assembly composed of delegates from various local organizations. With this the Eight Hour Grand League was closely connected. The same men often held office in both associations. The Labor Reform Association is mentioned. It was reorganized at a mass meeting in Faneuil Hall in May, 1867, and intended to include all New England. In this move Phillips was prominent. From all these organizations alike the ten-hour men held aloof. The leaders do not seem to have been connected with any trade union society, and their own organization was quite distinct. It rejoiced in the ambitious title of the "Short Time Amalgamated Association." This name suggests the close connection of the agitation in the Massachusetts movement with that in England. There the agitation had been directed by "Short Time Committees" at least from 1832. The first society[1] in Massachusetts originated among the operatives at Lawrence under Constantine's leadership, on August 1, 1865. Fall River followed this example in the same year. This society was active in 1870. Lowell had a similar organization. In each city the association selected a Short Time Committee to have general charge of business, arrange for mass meetings and secure speakers. The "Lowell Ladies" reentered the contest as a separately organized body, with their own

[1] See an article by Charles Cowley on the "History of the Ten-Hour Movement" in a volume entitled *Lowell, a City of Spindles.*

Short Time Committee and president, Miss Caroline A. Frost. She presided over meetings, made public speeches and in 1867 arranged for "Grand Rallies of Female Operatives" in Lowell.

The Amalgamated Committee resorted to the plan earlier used in calling Ten-Hour State conventions. The earliest of which we find mention was held at Lawrence on February 8, 1866. No information is available as to the attendance. The *Voice* disapproved of such mild demands, and gave space but grudgingly to accounts of its proceedings. At least one other such convention was held. This convened at Lowell in August, 1870. The delegates decided upon a plan for political action and issued an "Appeal for a Ten-Hour Law," addressed to the "Workingmen of Massachusetts." This later convention seems to have assembled under the auspices of the Labor Reform party. Their appeal is very brief and in no respect comparable to the strong address issued in 1852. They presented no separate list of candidates and did not propose to act as a distinct political party. Instead they adopted the negative plan of publishing the names of those representatives and senators who had gone on record as opponents of the measure. "Workmen of whatever party" are exhorted to "see to it that the names of those who voted against the enactment of a ten-hour law" do not appear on their ballots. Their published list included the names of twenty-four senators and seventy-six representatives. "The appeal" also included a draft of a proposed law which incorporated features new to the Massachusetts movement in that it did not apply to adult males. The measure was intended to provide a ten-hour day for all minors under eighteen, and all females of whatever age, engaged in the manufacture of cotton, woolen, linen, silk, jute and other textile fabrics within the Commonwealth.

In the organizations achieved at Lawrence, Lowell and Fall River the hand of Constantine is plainly evident. He was much sought after as a speaker at the various meetings of the new Short Time Amalgamated associations. It is noteworthy that these bodies had their seat in the three great manufacturing towns. English and American operatives were most numerous here and after the Civil War the movement originated at Lawrence, farthest removed from the more recent influx of foreigners. At Man-

chester, New Hampshire, a similar movement was vigorously prosecuted. In February, 1867, the Manchester operatives were reported as holding their fifth mass meeting with no abatement of interest and enthusiasm, and by the middle of March the number of meetings had become nine. All were largely attended. Here, too, the older stock of operatives still filled the mills.

The idea of a mass meeting as an effective weapon in the contest seems to have been borrowed from English procedure. Other expedients were resorted to. The Short Time Committee interviewed the treasurers at Lowell in an attempt to arrange for the reduction of hours by mutual agreement. Small success attended the effort, as Constantine was compelled to admit to a mass meeting following.[1]

There was new recourse to petitions addressed to the legislature. Constantine was refused permission to circulate his petition in the Lowell Mills in 1867, but no difficulty seems to have been experienced in securing signatures. The form of the petition shows a changed emphasis from the question of actual injury to health to an appeal to humanitarian sentiments. It demands "penal and restrictive" provisions, and most important of all asks for a bill applying to women and children employed in woolen, cotton, linen and all other incorporated companies. This suggestion took definite shape in the bill approved in 1870, as noted above. The most popular form of petition was that issued by the Ten-Hour Convention in 1866. It was over Constantine's name as secretary of the Lawrence Amalgamated Short Time Committee.

This petition was not only circulated in Lowell among the operatives in 1866, but was presented to the agents as well. Evidence before the legislative commission in the following year testified to a practically unanimous desire on the part of the Lowell operatives for such a law as the petition requests. This petition was circulated in Lawrence also in 1866 and 1867 and the *Voice* was driven to a grudging consent to support the movement, recommending all friends of labor to petition the legislature for a ten-hour law in the factories, on the principle that "half a loaf is better than no bread." Reasons for hoping for success were stated as

[1] The information comes from the *Daily Evening Voice*, Jan. 28, 1867.

follows: the commission on the hours of labor unanimously recommended such a measure; the factory operatives desired it; and according to the majority report of the commission the principal mill owners favored it. For these reasons all eight-hour men were advised to join in the more moderate movement. Lawrence alone sent in a petition with 4,000 signatures in 1866. In the course of the legislative debate the number of petitioners in 1867 was placed at from 7,000 to 8,000.

The most immediate result secured because of the petitions was of a different character from that anticipated. The Labor Reform Association was reorganized in 1867, as a result of a mass meeting in which Wendell Phillips was the leading spirit. This organization, following the recommendation of the commission in 1866 "that provision be made for the annual collection of reliable statistics in regard to the conditions, prospects and wants of the industrial classes" had petitioned for the appointment of a commission "to investigate the relation which the reduction of hours of labor bears to the industrial, commercial and social interests of the State." The Joint Special Committee, to whom this petition was referred, reported a resolve providing for the Massachusetts Bureau of Statistics of Labor, which began its work in 1869. This meant the beginning of exact and scientific investigation. Perhaps an inference may be drawn as to the confidence felt by the laborers in the justice of their cause from the fact that the bureau whose function was to be careful first hand inspection of conditions, was established on their expressed request.

The Short Time Committee did not confine their efforts solely to attempts to secure shorter hours through legislative enactment. In a few cases — but those of large importance — they secured a ten-hour day in the factories by direct pressure upon their employers. This was to place them in an equally advantageous position on the score of hours with workers in other trades. Earliest and most important of these enforced concessions was the temporary reduction to a ten-hour schedule at Fall River on January 1, 1867. This came as a direct result of the formation of the Short Time Amalgamated Association at that place.[1] At

[1] See the address of the operatives in the *Daily Evening Voice*, Dec. 3, 1866. Also a pamphlet by M. F. Dickinson: *An Argument for the Remonstrants*.

their first meeting they memorialized their employers "who promised to install a Ten Hour System on April 1, 1867, provided one half the mills of New England would do the same." This failed to satisfy the operatives, who showed "firmness and decision" and the employers agreed to install the system of shorter hours on January 1, provided Lawrence and Lowell would do the same. The Short Time Committee was requested to use its influence among the operatives elsewhere in conjunction with those of the employers among the officers of the other corporations to the end that the reform might be universally adopted. Both parties attempted to carry out their promise. The operatives published an "Address to the Cotton Operatives of New England," asking for their united support to introduce the reduction in hours. The employers at Fall River later claimed that they had received assurance that Lawrence and Lowell would follow.

However that may have been, like action was taken in only one corporation at Lowell, the Lowell Felting Mill. This was a great disappointment to the Lowell factory hands, but they "looked for the adoption of shorter hours" at an early date. The new schedule, nevertheless, went into operation in Fall River on January 1, and was continued there for twenty-one months. Success was claimed for it, from the operatives' standpoint, after two months' trial. In a speech[1] before the New Bedford operatives, then on a strike for ten hours, it was declared that "all the day hands, except spinners and weavers, got the same pay for ten hours as previously for eleven. Weavers operating six looms had previously averaged $39.90 per month, and were then earning $38 and increasing every month." In the discussions preceding the final passage of the bill, the Fall River employers were at great pains to prove that the experiment of 1867-68 had been a failure. The simple fact seems to have been that they yielded to pressure, at a time when a stoppage of the mills by a strike would have meant severe loss. They were never in sympathy with the reform, and made no serious effort to insure its success. The first opportunity when production outran demand, and their position was thus strengthened, was seized to return to the eleven-hour schedule.

[1] By W. H. McCauley. See *Daily Evening Voice*, March 2, 1867.

Mention has been made of the reduction of hours in the mills at New Bedford[1] to eleven daily in consequence of a strike in the fall of 1865, and a further demand for a ten-hour schedule at that time. Here the mills imitated the example of Fall River in reducing the time to ten hours on January 1, 1867. In the same month, apparently because the plan had not been generally adopted, the employers designed to return to the old schedule. The operatives thereupon met and vigorously protested, desiring rather to accept a reduction of wages than an increase of hours. This plan was accepted to be in force through February; wages of day hands were reduced one eleventh, and the pay for piece work remained as before. On March 1, on a renewal of the proposition to return to an eleven-hour schedule, the operatives struck, seemingly in considerable force, and remained out for a week. The strike then broke down and the operatives returned to work. In their published explanation the New Bedford strike leaders laid the blame for failure on divided counsels and ill-advised attempts to compromise. They proposed further action through the medium of the ballot box and of trade unions.

A rather more ambitious and extended strike, though the number affected was small, was that of the mule spinners in April, 1867. This body had an organization covering New England, and at their annual meeting in April, 1866, they resolved: "that the mule spinners of New England, on and after the 1st of April, 1867, will not work more than ten hours per day or sixty per week." This resolution they at once communicated to their employers. At their next annual meeting, in March, 1867, the matter was again discussed when it was "unanimously resolved to carry the resolution of 1866" into practice. Following this meeting the employers were notified of the demands of the spinners. At Lowell a circular was issued with the heading "Ten Hours and No Surrender." Thereupon the corporations in that city discharged every mule spinner but one on the following Saturday night. The contest then inaugurated spread to Lawrence and Manchester. The number affected was not large, being 100 at Lowell and 150 at Lawrence. The card room girls at Lawrence joined the spinners in a sympathetic strike. The methods of the

[1] This information is found in the file of the *Daily Evening Voice*.

operatives were not such as win strikes, being mostly confined to the daily formation of "splendid processions," and the effort soon ended in complete failure.

An extract from the published address of the strikers may serve to throw light both on the cause of failure and on the spirit animating the attempt. It reads: "Our employers tell us that this is not the time to ask for a reduction of the hours of labor as trade is bad and the markets are overstocked. Now there are only two ways of relieving an overstocked market, either to increase the demand or lessen the supply." To secure the first end necessitates lowering the price, which implies a reduction of wages. The second result may be reached by shortening hours. The first of these remedies is only temporary, while the other would be lasting and all classes of society would be benefited by the change. In the opinion of the spinners justice demanded that, since the employers controlled the question of wages, they should have the right to reduce hours. They conclude their statement thus: "We have tried every means in our power to arrive at the desired reduction of hours. Moral means have been tried with no effect. We have solicited our employers, we have appealed to the Legislature of the State." In their opinion at least seven ninths of the operatives desired the reduction.

In the following June comes the first real break in the opposing rank of the employers. In the Atlantic cotton mills at Lawrence under the enlightened leadership of Agent William Gray, a ten-hour system was installed, in advance of legislation, not forced by threat of strikes, and with the full approval and sympathetic support of the agent. No suggestion of a return to the old schedule was ever made there. Instead Mr. Gray became a whole-hearted supporter of the reform and to him a very large share in the credit for the final victory is due. Even before this time there is evidence that the operatives and employers at Lawrence were working in a spirit of mutual confidence and respect. Since 1856 hours there had been the shortest in New England, being but ten hours and forty-five minutes, "the quarter hour being a concession of the most grateful character to the claims of the stomach at the noon repast." This concession, it may be added, was not imitated at Lowell until 1871. At this time the granting

of a full hour at noon became the plan generally followed in New England.

While these measures for organization and agitation, for the circulation of petitions, and for the enforcement of shorter hours through strikes were being carried out in the state, the leaders and sympathizers of the reform in the legislature were by no means idle. Here, from the first, their opponents were put clearly on the defensive. They were the minority party. The weight and strength of the argument and sentiment was against them. Success was assured and the contest narrowed down to the necessary last assaults on legislative inertia and factitious opposition. The House report in 1865[1] gave the keynote of the revivified movement. The authorship is attributed to Martin Griffin. It began by reviewing the experience of England with which a large degree of familiarity is shown, and which is declared to be an approved success, "saving annually to the nation millions of treasure and thousands of lives." In striking contrast to the detailed knowledge of action in England is the ignorance displayed of previous action in Massachusetts. The statement is made that the bill of 1850, defeated in the Senate, was the only attempt at limiting or defining the hours of labor within the Commonwealth. This lack of knowledge of the legislative action in previous years can only be explained on the basis of large and recent changes in the membership of the General Court. The opinion expressed by the committee in regard to the discrepancy in the hours of labor in the factories of the two countries had no lack of definiteness. The eleven-hour system was in their opinion "a disgrace to Massachusetts and an outrage on humanity." The handing in of the report had been preceded by open hearings. Evidently the forces in opposition were taken by surprise for the "testimony and demand was unanimous for a still further decrease in the hours of labor," and the "thirty or forty witnesses unanimously reported that both capital and labor would be benefited." A paragraph from this report may be quoted since it was the first expression of opinions in the reopened contest and because it stated the humanitarian sentiment of the following movement clearly. The final paragraphs read: "But

[1] House Document, No. 259. See *Daily Evening Voice*, June 24, 1865.

there is another view of the subject, which is even more important to us as a people than the mere increase of wealth or the perfection of the mechanical arts — the protection, preservation and advancement of man. . . . We have been surprised at the developments which the investigation has produced. . . . It would seem that prosperity has the effect to make the condition of the workingman little else than a machine."

"The State is composed of *men* and the interests, progress and advancement of man is the foundation upon which the State rests. If the foundation is firm and solid the structure is strong and enduring. Hence the first duty of the State is to recognize this great principle of manhood. Laid upon that foundation, the State is enduring and immortal."

The most immediate result of this action was the appointment of a commission of five members charged with the duty of investigating the eight-hour question. Of this body the Rev. William B. Tilden, minister of the New South Congregational Society, was chairman. He had begun life as a ship carpenter. In general the commission was acceptable to the labor leaders. This body was occupied during the fall of 1865 in hearing witnesses, and with their unsuccessful attempt to collect statistics. Their report[1] spoke most decidedly on the question of child employment, with results as stated above. They reviewed the arguments pro and con, and recommended, besides child labor legislation, provision for its enforcement through the appointment of inspectors. Their experience in the attempt to collect information moved them to ask also "that provision be made for the annual collection of reliable statistics in regard to the condition, prospects and wants of the industrial classes," — a wise recommendation shortly realized. For the rest, they believed that "the change desired could be better brought about by workmen outside the State House than by legislators within." This view they felt was supported by the past experience of the state.

The commission of 1866 was followed in the next year by a new commission of three members, of which Amasa Walker was chairman. It was appointed as a direct result of the eight-hour agitation, then much in evidence. One of its members, Edward H.

[1] House Document, No. 98, 1866.

Rogers, a trade union leader, made some half-hearted recommendations to that end in his minority report. As in the preceding year, considerable unrewarded pains were expended in an effort to get reliable information. The evidence was reviewed in an able report[1] and the commissioners agreed that the hours were too long. They made positive recommendations for ten-hour legislation also, applying to minors under eighteen, and renewed the demand for inspectors to enforce the law and for the organization of a bureau of statistics of labor. In these various hearings and reports the act to be passed was beaten into its final shape and the opposing contentions found full expression.

By 1865 the opposing positions from which the contest was to be finally fought out had been pretty clearly defined and there was little that was new in the arguments advanced between 1865-74. They were ably presented on both sides.[2] In many cases they were more fully stated and often strengthened by the addition of the results of later study. In some cases the claims of the partisans were modified under criticism or because conditions had largely changed. As always, it was the worst possible time to reform. Opponents of the measure pointed to the great national war debt which must be paid. The ready answer was that "while the country was being reconstructed was the best time to reconstruct the labor system." The advocates of a ten-hour system pointed to the million of men returning from the war for whom places must be found in industry. They argued that the shortening of hours could best be accomplished as they re-entered the mills and trades. A part of the general argument in opposition was the perennial cry that the mills were making very small and most inadequate profits and the change would necessarily result in their closure.

The *laissez faire* school was still in evidence and their influence ruled in the report of 1866. The result of the investigation of the next year failed to convince the commission that "any law should be passed interfering with the hours of adult laborers, who can choose their own employment." They were in practical

[1] House Document, No. 44, 1867.

[2] The arguments are best presented in the various legislative reports and in the pamphlets by Gray and Dickinson.

agreement with their fellows of the preceding year, who had said: "The workingman's power to labor is not only his present but his future capital . . . and the legislature that shall attempt to limit by law the free use of that capacity so vitally linked with everything dear to a man would be justly chargeable either with gross folly or high-handed tyranny." Both commissions favored legislation affecting minors, and by adding working women to this provision the essential point was carried.

The principal opponent of the measure, basing his argument on theoretical grounds, was undoubtedly Edward Atkinson, whose views may be briefly indicated. He wrote:[1] "I am opposed to the enactment of a compulsory ten-hour law for adults, because it would take from them the right to dispose freely of the only thing they have to sell, that is to say, *their time*. If the petitioners, being of mature age, will declare themselves incompetent to manage their own concerns, and will ask to be put under guardianship, their prayer would be entitled to some attention. A ten-hour law to be applied only to women and children would imply a legal restriction upon women which would work great injustice, and would be a serious infringement of woman's rights."

Throughout the discussion there was much loose talk of "leaving the matter to be adjusted by natural laws." Moreover, in the years 1865 to 1867, there was good reason to hope that the matter might be adjusted by mutual agreement. With the failure of the promising movement originating at Fall River, in 1867, and of the strikes accompanying it, this hope gradually died out. In the general theoretical arguments aimed at the *laissez faire* position, little improvement was made over the statements in Stone's able legislative report of 1850. In the study of actual conditions in the factory towns, however, it became increasingly evident that the operatives were such a class as needed the protection of legislative enactments. The native born laborers had been largely replaced by ignorant foreigners with low ideals for themselves and their children. Oliver's reports disclosed the difficulty of enforcing the child labor laws while the mills were working eleven hours or more per day. The conviction grew that, as he had suggested, the sixty-hour week for children could only

[1] See the abstract of testimony for the Remonstrants.

be made effective by enforcing a ten-hour day for all operatives. On the question of a short day for minors, there was, happily, no difference of opinion.

The partisans of reform were not without able champions in the theoretical lists. The same William Gray of Lawrence, who had voluntarily reduced the hours in his own mills, met the argument based on "Freedom of Contract" fairly. This, he wrote, is subject to limitations. Contracts must be legal. The legislature may regulate sanitary conditions and may regulate and control the corporations which it has created. . . . "Where the parties stand at equal advantage, and where they propose nothing inconsistent with the public weal, they should be free to make their own bargains." He pointed out that only in the case of agricultural labor and of "labor performed for large capitals, accumulated in a few hands private or corporate" did long hours persist, and concludes: "If either or both of these exceptions are at variance with the general good, they ought not to be allowed."

Although the general argument came to be based on humanitarian grounds, there was a revival of the attempt to show that the health of the operatives suffered injury. The reformers carried on no comprehensive and scientific investigation. Instead the discussion produced nothing better than a war of conflicting statements. The operatives were a unit in declaring that the result of factory work was an inevitable deterioration in health, and that this was especially true of female operatives. One of their number testified [1] in 1867 that "about three years was the average time women were able to stand the work," and "that it was generally the case that females employed in the mills have their constitutions broken down after a few years." Her associates testifying at the same hearing corroborated this emphatically. On the other hand the employers were unanimously of the opinion that the health of the mill workers was not only good, but excellent. They declared it was even better than that of workers in other employments.

Some attempts were made to get expressions of opinion from parties not directly concerned. Ministers and doctors in mill towns generally lent support to the operatives' contention. Thus

[1] Reported in the *Daily Evening Voice*, Feb. 27, 1867.

the report of 1866 mentions the letters of "Dr. Tewksbury and Dr. Sargent of Lawrence, both having had many years of experience, in which they speak of the evil effects of overwork, and express their earnest hope that the hours of labor in the mills may be reduced." The short noon hour was felt to be a serious evil. Against this must be set the report made by the Board of Health[1] in 1871, whose investigations convinced them "that there was very little evidence of special disease or unhealthiness due to laboring in factories." At best the argument was not convincingly made, though full consideration should perhaps be given to the unanimous opinion earnestly expressed by those most intimately concerned.

To this plea that the health of the operatives suffered because of the long hours of labor the employers opposed a new retort. They contended that to shorten hours would mean more time spent in idleness and as a further consequence an increase in immorality and vice. This had been suggested in the *questionaire* issued by the commission in 1866 and is a constantly recurring note in the following discussion. At bottom it amounted to a denial that the operatives were fitted to be free men. They must be bound down to slavish drudgery through the long hours of the day under pressure of immediate want lest, with leisure, they become vicious and criminal. This was a gratuitous insult spared the native laborers in the earlier stages of the agitation.

When the arguments based on *laissez faire* doctrines and on questions of health are disposed of, there remain two main contentions, both well worn in preceding discussions: the question of the effect of the proposed law on capital and dividends on the one hand, and on labor and wages on the other. In both the position of the operatives became progressively stronger. In each the case of the employers was based on the assumption that the product would be cut down materially as hours were reduced. The most frequent assumption was that it would fall off in the same proportion as the time was shortened. Reasons for disbelieving this statement were stated by the commission of 1867:

[1] Report of G. Derby on the "Health of Minors in Manufactories," Senate Document, No. 50, 1871.

"1st. The operatives would be more able to perform ten than eleven hours labor, and would work more profitably to the employers. 2d. There would be a great deal less of lost time. As it is now these minors often get jaded out by their long hours and are compelled of necessity to lay by a few days, and after awhile to leave the business for months or years to recruit. 3d. By reducing the hours, employers are certain to get a higher grade of laborers, more able and intelligent hands." This third reason was coupled with the question of foreign immigration. The commission declared: "The present system of labor is debasing the native New England stock and forcing them to emigrate to the west and foreign countries. The population which displaces them is inferior in every respect." It was argued that the last hour of an eleven-hour day was good for nothing, since more work was wasted, more material destroyed then than in any other hour of the day. It was further asserted that the employers had admitted this. Agent Gray had said:[1] "The eleventh hour is universally conceded to be the poorest hour of the day. It is an hour . . . when [the operatives] are called upon to do work when they would be better off out of doors. It is the least productive and least profitable hour."

The decision rested finally on the results of actual experiments. Much was made of England's experience. There the evidence showed that the product had been maintained, after hours were shortened. The results of reduced hours in other locations were confidently appealed to. In the earlier reduction to eleven hours in the Massachusetts factories, there had been no falling off in the amount produced. By a closer attention to small losses of time and a more rigid discipline in the mills, the output had been maintained. Finally, the results of actual trial in the mills became available. In the case of the Fall River experience for twenty-one months, it was later claimed[2] (1871) that there had been an average falling off of 10 per cent. In support of this statement statistics were quoted. The figures are open to suspicion, being included in an argument against the ten-hour measure. At best the experiment in Fall River was short lived. It was in the hands of men out of sympathy with the reform and the figures

[1] Gray's pamphlet, pp. 22 and 23. [2] In Dickinson's pamphlet, see pp. 4–10.

given in 1871 were open to the retort that the mill paid large dividends during the twenty-one months in question.

The Atlantic Mills at Lawrence made the change with entire success. Here[1] the looms were speeded up about 4 per cent and the other machinery in like proportion. All possible work became job work. In the first month the product was reduced 4 per cent to 5 per cent and the cost of labor per pound of cloth increased about 2¾ per cent. The wages paid to operatives were not essentially changed. After three years and a half the product had become fully equal to the product of ten and three fourths hours; the cost of manufacture had been reduced and wages had been lowered; but as the value of the currency had greatly increased in that time, the wages paid were worth more to the operatives than those received at the time of change. Agent Gray's conclusion was that the question of hours had no appreciable effect on the labor cost of the goods. This belief he substantiated by figures giving the cost of the same article made in the same mill for seven periods each of three and one half years. The statistics reflect the abnormal prices of the war period. They indicate, however, that the labor cost per pound of product was less in 1856 to 1860, working ten and three fourths hours, than it had been in 1849 to 1853, working twelve hours. And again that the labor cost per pound was less in 1867 to 1870 under the ten-hour system than it had been in the preceding period when the day was three quarters of an hour longer.[1]

Granting that product could be maintained, capital would, of course, suffer no loss in the change. The contention of the employers was that they would find themselves unable to compete with neighboring states and they demanded consideration for the cotton and woolen factories as the most important industry in Massachusetts. The successful example of the Atlantic Mills, maintaining the short hours in the face of the competition, not

[1] Gray's article in *Old and New*, p. 631.

[2] ATLANTIC A MILL.

	LABOR COST.	HOURS.
Nov., 1849, to May, 1853,	$3.38 per pound,	12
May, 1853, to Nov., 1856,	3.55 " "	11
Nov., 1856, to May, 1860,	3.19 " "	10¾
May, 1860, to Nov., 1863,	3.33 " "	10¾
Nov., 1863, to June 1867,	6.03 " "	10¾
June, 1867, to Dec., 1870,	5.55 " "	10

only of mills in other states, but in the same city, Lawrence, meanwhile paying large dividends, maintaining wages and declaring its entire satisfaction with the change went far in refutation of this claim. The existence of the ten-hour system there doubtless had large effect also in causing discontent among the employees of other corporations.

Should results similar to those proven for the Atlantic Mills follow generally on the reduction of hours, the parallel argument that wages would necessarily be reduced would fall to the ground. In refuting this argument the reform element relied, in general, on the "Demand and Supply" idea of Stone. It was most generally expressed in much more simple fashion than the form it took in Stone's elaborate reasoning. The leaders of the operatives were often guilty of assuming, as did the employers, that the product would of necessity be reduced. They fall into the fallacy of the "lump of labor" idea also and argue for the making of work. As time went on the operatives' case was strengthened by the addition of the argument that to shorten hours meant to raise the standard of living and this of necessity would require an increase in wages. Thus their attorney[1] arguing their case before the legislative committee in 1871 insisted that leisure means a fuller development of man's powers, a higher standard of living, and an enlarged expenditure. "It is the amount required to subsist, according to their standard, in connection with the operation of the great economic law of supply and demand — it is *this* that determines the rate of wages."

In 1865 and thereafter there is continual reference to the influence of the introduction of labor-saving machinery. The plea is that justice requires that the operatives shall share equitably in the benefits conferred on society, and that this gain should come to them through the medium of shorter hours. This view of the matter was approved by the commission of 1866, who said: "We think there is reason in the arguments of the workingmen for a reduction of hours on account of the extent and perfection of Labor Saving Machinery." To this may be added the statement of Mr. Gray.[2] "The English capitalist did not suffer in the change. Within five years the product of the ten-hour mills was

[1] Charles Cowley, *The Ten-Hour Law.* [2] *Old and New*, as above.

as great as in the same mills in twelve hours. . . . The principle which underlies all work done by machinery, to increase the power of the instrument, so as to lessen the strain upon its worker, and to enable him with less effort to produce greater results was fully illustrated. And when the instrument so improved by the joint use of capital, which supplies money, and labor which furnishes intelligence, increases the productive capacity and wealth of a country, is it not just that the laborer as well as the capitalist should find his condition benefited?" This pointed question was re-enforced with figures showing that the operatives were tending more machinery by three, four and five times than in 1835. All in all, the case of the operatives by 1871 has been as nearly made out as it could well be expected to be by argument. Their forces had carried one position after another and had at last found lodgment for their reform in the mills themselves. The change in public opinion was striking from the time in 1832, when the merchants of Boston banded together to resist a ten-hour movement, to conditions in 1870, when the same plan commanded the support of the recognized leaders of the people; and again from the days in 1845 and 1846, when this plan secured scant attention from the House and Senate, to 1865, 1866 and 1867, when it was unanimously supported by committees from either branch of the legislature.

There had been some further modifications in the character of the legislation proposed. In 1866 a ten-hour bill was proposed applying to all persons employed in incorporated companies. In 1867 the commission recommended a bill applying only to minors under eighteen. They cherished no illusions as to the meaning of such a statute. Its far-reaching effect is clearly stated: "That such a law the usefulness of which we think no one can well dispute, would cause a general reduction in the hours of labor for all employed in factories, as well as minors, we have no doubt. Such was the effect in England very fortunately, and such would unquestionably be the result here." Even before this report was written the demand had come to be for a law applying to both minors and women. Both parties to the controversy fully understood that in its practical application it would affect the men employed in factories. Since the right of the legislature to

regulate the labor of men was disputed, and since the arguments as to the injurious effect of long hours on health did not apply with equal force to adult men, it was preferred to leave the bill in the form suggested in the petitions.

In the final contest the bill debated was that reported by the joint committee on labor in 1871, "acting on the petition of James Lee and 10,755 others." It was supported by ten of the eleven members of the committee, and provided that "no minor under the age of eighteen, and no female over that age, shall be employed in laboring by any person, firm or corporation in this Commonwealth in the manufacture of cotton, woolen, jute or silk fabrics more than ten hours in any one day, or sixty hours in any one week; except when it is necessary to make repairs to prevent the stoppage or interruption of the ordinary running of the mill or machinery." The penalty of $50, for violation, applied "to the person, firm or corporation and to the agent, superintendent, overseer or other employee" responsible. The old attempt to limit the application to incorporated companies was given over, and since the ten-hour system was general outside the factories, the criticism that the legislation proposed was "partial" no longer held. This measure passed the House in each of the years 1871, 1872 and 1873, only to be defeated in the Senate. In the last-named year a legislative committee reported[1] adversely to the bill — six to five — on the grounds that the argument that health was injured had not been made out; that a voluntary reduction was about to be achieved; and that capital would be adversely affected in the absence of like legislation in other states. The majority, curiously enough, contained the name of Martin Griffin, who had inaugurated the movement in 1865. The minority disagreed and submitted the bill of 1871 without change.

The final victory of 1874 was ushered in by a new legislative report[2] in which the arguments were finally reviewed. That the law fell within the powers of the General Court seemed clear to the committee, since "it was for the protection of the health of a large class of the women of the State, and for the advancement of education among the children of our manufacturing communities." On the score of the danger of legislating in advance of other states,

[1] See House Document, No. 318, 1873. [2] Senate Document, No. 33, 1874.

they declare that to agree with their opponents would be "to say that if the neighboring manufacturing states should allow the operatives within their borders to be worked fourteen and fifteen hours a day, regardless of the evil effects upon them, but increasing the profits of their employers, this Commonwealth should permit the same hours of labor here." With this *reductio ad absurdum* they close the debate and again recommend the passage of the bill of 1871.

Further support to the proposed law came from the positive statement contained in Governor Washburn's Message. The keynote of what he has to say on Labor Reform is contained in the sentence: "The assumption of our law is, that the highest intelligence of all is the highest good of the entire people." The governor was impressed with the fact that "many thousand children" in the factory towns and cities never entered the schools and were growing up in ignorance. On the score of health he had definite convictions. "That the strength of the operatives in many of our mills is becoming exhausted, that they are growing prematurely old, and that they are losing the vitality requisite to the healthy enjoyment of social opportunity, are facts that no careful and candid observer will deny." Of the foreigners who form "the large majority of the operatives in many mills" he said: "Shall we work them so many hours a day that they will have neither strength, interest nor time for becoming acquainted with our institutions and our aims as a people? Or shall we, by shortening their hours of labor, and the establishment of evening schools if need be, educate them, fit them for the duty of citizenship, and make them a part of ourselves?" He concluded: "The limit of a day's work to three fourths of the laboring class in this community being ten hours, I am not able to see that any great detriment would result if the same limit should be extended to the other quarter. I have no hesitancy in recommending that the experiment be tried, and you may anticipate Executive approval if you enact a ten-hour law. I know of no reason why it should not apply as well to male as to female operatives."

Thus encouraged, the House promptly responded by passing the bill of 1871. The opposition died hard in the Senate. When the bill was sent down for concurrence it had been amended so that a

different apportionment of time might be made for the sole purpose of giving shorter hours on one day in the week. Hours were in no case to exceed sixty per week. The penalty clause was invidiously amended also to read "wilfully employing" or "wilfully having in employ." This was following a precedent set in 1867 when the Senate amended the child labor bill by making the penalty apply only in the case of a corporation "knowingly" employing children below the age limit. Both amendments were plainly intended to make it impossible to enforce the statutes. The amendment as to the apportionment of time gave trouble also. No inspector could watch an operative through the whole of the week to observe whether the sixty-hour provision was regarded, and although he might be able to prove that the daily labor had continued more than ten hours, convictions were difficult to secure.

The law was not yet safe. An attempt was made to carry its repeal in 1879. Seemingly, however, it was too firmly intrenched in public opinion, after the long period of agitation and discussion, to be seriously endangered and the effort failed. In that year also the word "wilfully" was stricken out and it became possible to secure convictions. This marks the close of the long drawn out struggle for "effective ten-hour legislation."

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CHAPTER II

UNREGULATED CONDITIONS IN WOMEN'S WORK

(Based on Observations made while Working in the Industries)

MABEL PARTON AND CAROLINE MANNING

UNREGULATED CONDITIONS IN WOMEN'S WORK

(Based on Observations made while Working in the Industries)

The two studies by Miss Parton on women's work, one in rubber factories and one in cordage and twine factories, appeared in pamphlet form nearly five years ago. They are important because they indicate the direction in which subsequent investigation should proceed, and show that one of the most serious problems in factory legislation and inspection is that of bad hygienic conditions. The third investigation, on women's labor in restaurants and shops by Miss Manning, made from 1905 to 1907 and not heretofore published, includes the evidence given before the legislative committee of public health in 1907 in support of the bill whose passage instituted the present system of inspection for sanitary laws. It transferred that portion of the former duties of the district police to fifteen new inspectors of health, working under the direction of the state board of health. Those introducing the bill[1] contended that factory inspection was primarily a sanitary matter and that the conditions revealed gave "eloquent testimony to the utter failure of the present system" to enforce sanitary laws.

As an outcome of these three years of study and legislation has come the principle that the difficulties of employment should be treated increasingly as questions of health, of which the bill passed by the state legislature in 1910 to require medical examination of minors before they receive working certificates is the latest step. The institution of professional supervision of the sanitary and hygienic conditions in places where labor is employed has furthermore resulted in the recognition that not only restrictive measures should be taken, but corrective and preventive efforts should be made to secure physical strength to industrial workers.

Although the development of sanitary inspection largely resulted from these studies, these bad conditions still persist, and there is need for still more specific and mandatory legislation, as in the rubber and in the cordage and twine factories, and for a larger inspecting force to provide

[1] Representatives of the Industrial Committee of the Women's Educational and Industrial Union and the State Federation of Women's Clubs, the Massachusetts Branch of the American Federation of Labor, the Massachusetts Civic League, the Massachusetts Consumers' League, the Women's Trade Union League, and the Massachusetts Medical Society.

for more thorough inspection, as in the restaurants and all shops. While the provisions recommended by Miss Parton are within the scope of the state board of health, the failure of the law to provide sufficient force for inspection and investigation has resulted in an acknowledged failure to correct these evils. Recent studies of cotton mills, paper mills and shoe shops, and of the dressmaking and millinery industry, by fellows in the Research Department have brought conclusive evidence that the failure to enforce the law rigidly, even in the mills and factories, except on complaint still exists and that conditions of labor in shops are practically unregulated.

Much remains to be done, especially, first, in the regulations of hygienic conditions in certain industries; second, in the extension of enforcement of laws already passed in the smaller shops and less accessible industries by establishing a more unified system of inspection and providing for wider and regular inspection rather than inspection on complaint only, as now mostly exists; and third, in determination of the law with respect to its effects on each industry by careful study of industries so that the law shall protect the individual without impeding his individual progress, and so that it shall promote the best interests of both employer and employees without impeding the development of the industry.

[EDITOR.]

I

WOMEN'S WORK IN RUBBER FACTORIES

MABEL PARTON[1]

Conditions of Work.

Women are employed at many different kinds of work in the four lines of rubber manufacture studied — shoes, garments, light rubber goods and hose. The report presents conditions peculiar to special processes and others common to nearly all women's work on rubber.

All but a few of the women in rubber factories handle the soft material, after the compounds have been put in, but before it has been hardened or vulcanized, and the compounds include oxide of lead.[2] Regardless of this fact none of these factories provide lunch rooms, and not all of the twelve furnish conveniences for washing. Consequently a great many of the women eat their noonday meal at the work benches, without first having washed their hands.

In a few processes the women take the material into their mouths. Makers of footballs "finish off" by sucking the air, and incidently bits of waste, from inside the balls to make them lie flat. I find also that girls in the picking room at one of the factories assist with their teeth in pulling off scraps of good rubber from the "wobs" of cement, varnish and waste discarded in the cutting and making rooms. Some of the girls at several factories have acquired the habit of chewing the soft rubber.

Fumes of naphtha pervade the air of the workrooms. The soft rubber out of which is made shoes, tubing, druggists' goods and other light commodities, comes to the workers already rolled,

[1] Miss Parton was director of the department of Research of the Women's Educational and Industrial Union, 1906 to 1909.

[2] The substances added in compounds and substitutes at the various rubber factories include oxide of zinc, sulphur, calcium carbonate, antimony, tar, lampblack and linseed oil.

stamped and cut into the parts which will compose the finished article. The women press these parts together by hand, sticking them with a kind of cement composed of rubber and its compounds, mixed with naphtha to form a paste. There has been some reason to fear that manufacturers are using carbon bisulphide with the naphtha for heavier cement, but I have been unable to detect it at any of the factories I have visited. Certainly the naphtha fumes are present in nearly all of the women's rooms. Those who do not use the cement — garment stitchers, and girls who sew buckles on arctic overshoes, count jar rings, or pack for vulcanizing, — commonly work in rooms where cement is used by others, and breathe in the gas all day.

The women who make light rubber goods constantly inhale a fine talc dust. The talcum is used to keep the small parts from sticking to the hands, or to each other when they are packed for vulcanizing, and is so fine that it flies about at a touch.

The shoe making seems to necessitate a pressure against the bodies of the workers. The parts of the shoe are laid over a wooden boot form and the soft edges of the rubber are pressed together. In doing this the maker pushes the form hard against her body, — first the heel and then the toe is directed against the pit of her stomach. Some of the women wear pads of cloth or leather to protect themselves, but these shields are soft or soon become soft, so that while friction may be prevented, the pressure is not diverted from the one small spot.

A great many of the rubber factory women work through the noon hour. This is the custom among hand workers at all the shoe factories I have visited, and I know of but two rubber factories where some of the women do not work at noon. These two are garment factories and the employees stitch with power, which is necessarily cut off at twelve o'clock. In rubber shoe factories I have seen a roomful of girls eating cold dinners at their benches, after five hours of labor, hurrying through in a few minutes and then taking up their work again without having left their stools. In most cases this is done in order to get out earlier at night, or to make up for tardiness, but the deviations from scheduled hours make overtime work readily possible. Slow girls have to keep on at noon and until the six o'clock whistle to finish their tickets;

and in rush seasons, at one factory, at least, the shoemakers were working a full day and through the noon to make extra wages. Whether noontime work is commonly overtime work or not, women who do it lose the fresh air and relaxation in the middle of the day.

Health of the Women.

At a time when I had daily opportunity for comparison with women in other kinds of factories, I was very much struck with the pallor of the rubber factory women. From mingling with employees at noontime, I learned that women often suffer from headache, nausea and loss of appetite when they first begin work at any of the four kinds of rubber factories investigated. The symptoms pass in a few days or weeks apparently in most cases, but are likely to occur on a return after absence. Some girls with whom I talked never feel quite well while they are at this work, have many headaches and take no interest in their meals.

At rubber shoe factories the greater number of women handle unvulcanized rubber, press the boot form against their bodies, take no nooning and are obliged to breathe naphtha fumes. I have asked physicians in four rubber shoe factory towns, all of whom see a great many patients from the rubber factories every year, whether a large proportion of their women patients among the operatives suffer from the same maladies.

Three answered, yes: anæmia, dyspepsia, dysmenorrhea; three answered, yes: anæmia, dyspepsia; three answered, yes: anæmia; five answered, yes: dyspepsia; one answered, yes: genital troubles; one answered, yes: skin troubles, dyspepsia; one answered, yes: tuberculosis, dyspepsia; one answered, yes: diseases of the nerves.

Only one of seventeen had not noticed that these women suffered from any special malady to an unusual extent. Nine of the seventeen thought marked anæmia unduly prevalent, and thirteen dyspepsia. Two physicians had treated patients for gastric ulcers apparently caused by the pressure of the boot form. One had had cases of lead poisoning caused by chewing unvulcanized rubber.

Twelve of the seventeen doctors attributed to occupation the

special diseases which they had found common among rubber factory girls, and mention as chief causes: —

1. Some fumes arising from the process of manufacturing.
2. The pressure of the boot form.
3. The lack of a proper nooning.

The records of a "hospital" at one of the rubber shoe factories have a certain value as evidence, although they cannot be considered wholly reliable. This "hospital" is managed by a young man who has had only a few months' medical training, and employees who are injured or are too sick to continue work, are sent to him to be "patched up" so they can keep on working, or be allowed to go home, as he sees fit. When prolonged illness follows a call on the "hospital" the nature of the disease is noted, but for the most part the records merely name the ills or symptoms from which the patient was suffering when she came to the factory "doctor." Sixty-three per cent of the sickness for four months and a half was divided among the following diseases: dysmenorrhea, sick stomach, indigestion, constipation, headache, sick headache, hysteria, convulsions, neuralgia, fainting.[1] If sixty-three per cent is a large proportion even for maladies which are so common among factory women, as several physicians whom I have asked this question think, this confirms the evidence of the local doctors.

In the factories where light rubber goods are made there is nothing to correspond to the pressure of the wooden form at shoe factories. In other respects conditions are very similar. There is talcum dust in the air; the greater number of women handle soft rubber, but it contains less lead than the rubber for shoes; a light cement is used in most of the rooms; and some women work at noon, although it is not the rule as at shoe factories. I have only found four doctors who have a large practice among these factory operatives, for it happens that the homes of the employees from several of these factories are scattered over a wide area, and consequently no one man treats a representative number. These four doctors are located in three towns. Two of them, who also see many patients

[1] Dysmenorrhea 20.50 per cent, sick stomach 4.80 per cent, indigestion 2.70 per cent, constipation 1.90 per cent, headache 16.40 per cent, sick headache 14.70 per cent, hysteria 0.90 per cent, convulsions 0.40 per cent, neuralgia 0.40 per cent, fainting 0.42 per cent.

from rope and twine factories, remarked especially the anæmic conditions of rubber factory women. The third physician, who has had a large practice among rubber factory operatives for the past twenty-five years, as well as among operatives from a twine factory near, finds that the women from the rubber factory suffer to an unusual extent from anæmia, with resulting dysmenorrhea, and attributes this to fumes which are breathed in during working hours.

The fourth physician is Dr. Frederic Coggeshall, of Boston, whose written statement I quote:

EXPERIENCE IN THE NERVOUS DEPARTMENT OF THE BOSTON DISPENSARY WITH WORKERS IN RUBBER FACTORIES, 1892–1904.

BOSTON, January 7, 1905.

I have been in charge of the Nervous Clinic of the Boston Dispensary for the past twelve years for three days in the week throughout the year. In this clinic my service treats between six and seven hundred patients annually, including all forms of functional and organic nervous diseases. The exact statistics of the clinic I cannot give, but my assistant in looking over the records of my service since 1892, reports that one thirteenth of all factory girls treated, work in some branch of the rubber manufactory. This is obviously a large proportion of such girls to the whole number of factory girls within a radius of ten miles of Boston. My attention was called to the prevalence of certain forms of functional nervous diseases among rubber workers as long ago as the first year of my service in the Dispensary, and the experience of each successive year has tended to confirm me in the following general conclusions: —

First — That these girls suffer no more from the ordinary results of indoor work, unwholesome eating, etc., than other factory girls.

Second — That there are certain peculiar complaints to which they are much more subject.

Third — That these complaints are closely connected with their breathing the fumes of naphtha and carbon bisulphide. Practically every one of the girls whom I examined from this branch of work, stated that her work involved spending many hours a day in rooms which smelt strongly of these vapors.

The patients generally suffer from marked anæmia, functional digestive troubles and functional menstrual derangements. Such complaints are, of course, common with the factory girl. The anæmia and standing

a greater part of the day are enough to account for the menstrual derangements, which presented nothing peculiar in their history, but in addition to these more general complaints, practically all of my patients presented symptoms of neurasthenia, and many of them, hysteria, which were out of all proportion in their frequency and severity to similar complaints from girls in most kinds of factory work. The anæmia was also more marked and more obstinate in resisting treatment than I have found it in girls suffering from the effects of indoor work simply. The examination of the blood in somewhat over forty cases shows certain peculiarities which remind one of the effects of carbon monoxide poisoning. The neurasthenics presented in most all cases specially marked symptoms of tremor which was exaggerated beyond the usual finer tremors of the neurasthenics. The symptoms, both in the condition of the blood and of the nervous system have led me in years past to group these patients with those suffering from chronic poisoning by illuminating gas.

I am not familiar with the details of the process in rubber factories, but it seems pretty clear to me from the histories I have obtained that the trouble is connected with the fumes of naphtha and carbon bisulphide. I have seen exactly similar cases a number of times in girls who worked in dyeing and cleaning establishments, and who used much naphtha in cleansing kid gloves, clothes, etc.

As the result of my experience, I believe that the work is decidedly injurious to the health, and, as far as the marked nervous symptoms go (which are the ones with which I should naturally come in contact) that chronic poisoning with these objectionable gases, especially, perhaps, the naphtha, of which I certainly heard more from the girls, is the principal cause.

(Signed), FREDERIC COGGESHALL.

A great many of Dr. Coggeshall's rubber factory patients have worked on light rubber goods, or with men on heavy hose. The work on hose necessitates the use of very strong cement, and the handling of unvulcanized rubber.

Breathing of naphtha is the condition which prevails, more than the others which I have described, at the four kinds of rubber factories. According to tuberculosis specialists whose opinions were asked, naphtha as well as dust has an irritating effect on throat and lungs, and it is by no means certain that persons who inhale it for hours daily are not more likely than the average to contract consumption. The data obtained by this investigation

in regard to the amount of consumption among rubber workers are too fragmentary to be of value, but from the evidence already cited there is certainly strong reason to fear that the presence of naphtha in the rooms, and possibly other conditions pertaining to women's work on rubber, are injurious to health.

Possible Modifications of these Conditions.

Naphtha fumes can be carried off through registers placed in the floor and connected by pipes with suction fans. One rubber factory in Massachusetts has proved this in a garment room where large quantities of very heavy cement are used.

Talc dust could be treated in much the same way, though troughs at the back of the work benches, such as are to be found at hand-sorting rooms in flax mills, would be better for the making rooms than floor registers. Troughs would be impracticable in processes where the workers do not remain seated in regular order, but in these rooms either floor registers or wall fans might be used.

Shoe workers could be greatly relieved of the pressure of the boot form by the use of proper shields. The shields sold by one of the shoe factories to its employees are right in principle but do not stand wear. They are made of stiff leather and slightly concave, so that the part which comes directly over the pit of the stomach scarcely touches the body, and pressure is thus diminished and distributed. But leather gives way quickly and becomes soft at the pressure point. A shield built on this principle, of material which would bear the strain, should answer the purpose.

It is not necessary in any of the work to put the rubber into the mouth, and the rubber-chewing habit is, of course, under the control of the employees.

The other conditions quoted, i.e., eating without washing the hands and working at noon, are only partially within the control of the employees. There is not enough time to spare at noon for fifty girls to wait their turns at one cold water faucet, even if they realize the importance of removing stains from their hands. The work at noontime is nominally optional, but actually dependent on the length of tickets given out and the speed of the individuals, provided they are obliged to make full pay.

It is at present against the law for a woman or minor to work during the midday recess, but the law is practically inoperative among hand workers, because employers are not responsible for its enforcement. They are exempt from fine if a sign forbidding noon work is posted in a conspicuous place, and the work is done without their knowledge. Officially they never know that it is done. There seems to be little doubt that the rubber factory women particularly need fresh air at noon, and a break in the working day, but aside from special hygienic considerations, the law forbidding noon work should be made effective. Otherwise it is almost impossible to enforce the fifty-eight hour law among hand workers. There seems to be but one way to do this, and that is to repeal the law which exempts employers from responsibility for work done by women and minors at noontime.

II

THE WORK OF WOMEN AND CHILDREN IN CORDAGE AND TWINE FACTORIES

MABEL PARTON

Certain processes in the manufacture of rope[1] and twine create clouds of dust; others necessitate the use of water in such a way that unless precautions are taken, workers about the machines cannot keep themselves dry. Practically all the work in the rope and twine factories has bearing on the health of the women and children operatives. Women and girls are employed almost entirely for the wet rooms. In the dusty processes men's labor is commonly used in this country for the heavier and rougher kinds of work; but there are only three dusty processes at which I have not found women and boys in some factory in Massachusetts, either assisting or otherwise employed in the same room. These three processes are batching, sorting and picking. Batching occupies but a few men for a few hours at a time, while there is nothing in the nature of sorting or picking which requires that they should always be carried on in rooms apart.

The Wet Rooms.

Conditions of work. In wet spinning, the flax rove is passed through a trough of heated water, in order to soften it so that it can be drawn out without breaking before it passes to the "flyers." Steam is likely to be given off from these troughs and spray spatters from the wet rove on the "flyers." Water also drips down beneath the spinning frames. In some of these rooms the women and young girls cannot keep dry above the waist on account of the spray, and are obliged to stand in pools of water

[1] Cotton twine and woven hose factories were not included in the investigation.

which have collected in uneven places on the brick or concrete floors.

The wet rooms are usually very warm and the atmosphere is maintained at a certain degree of moisture, the wet bulb of the hygrodeik in some places going as high as eighty, with the dry bulb at seventy-four. When the wet room is so situated in the factory that there is little opportunity for the circulation of air, the discomforts of working in a moist, hot atmosphere are greatly increased; perspiration does not evaporate rapidly and steam from the troughs condenses on the ceiling and drips down upon the workers below.

The women and girls, spinners and doffers, in the wet rooms where the worst conditions prevail, go barefoot the year round rather than stand in soggy footgear. They wear, as partial protection against the spray, burlap aprons over petticoats and old waists, tied under the arms and belted with the rope on which their knife for cutting tangles is hung. Before these damp and bedraggled workers are fit for the street at night, they must perform quite a toilet, — dry their feet, put on stockings and shoes, and skirts and waists, as well as outdoor clothing. Some considerate firms provide dressing rooms for this purpose, and even give the wet-room women extra time twice a day to get ready to go home. When no such provision is made, the wet spinners and doffers are obliged to put on clothing which is damp from hanging all day in the workroom and they must do this beside the frames, in the presence of a foreman and sometimes of other men.

The effect of these conditions. The process of wet spinning is not carried on at all of the cordage and twine factories which have been studied for the purposes of this investigation, and only a few of the physicians consulted see a representative number of patients from badly arranged wet rooms. The evidence of these few indicates that the menstruation of the doffers, usually young girls between fourteen and seventeen years of age, is affected by their standing barefoot on wet floors, and that colds, rheumatism and bronchitis are unduly prevalent among wet-room women.

Several doctors in twine and cordage factory towns have suggested that the relation between wet-room conditions and morals

is as important a subject for investigation as the one chosen, and other indications bear out this opinion. It is not a suitable matter to discuss in its most serious aspect from slight evidence, but the attitude of some of these women toward their work has at least a certain interest. In all of the several wet rooms there were a number of old women, who, in spite of their distorted feet and bedraggled clothing, seemed cheery enough and sociably inclined toward the visitor, but obviously the younger women and girls resented being looked at, tried to cover their feet and keep behind the frames, showing an attitude toward their work, or toward the visitor, which has not been manifested by men or women in the other factory processes investigated. This feeling may have been roused at the moment by the impertinence of being stared at. However, when an employee myself, in one of the dusty rooms of a twine factory, I found that many of the girls in the adjoining wet room felt an angry resentment toward their work, not shared, so far as I could see, by the girls in my own room where the conditions seemed to the novice equally intolerable. Dust and noise soon cease to be a torment, and the women in the preparing room cheerfully accept this feature of their work. But the wet-room girls spoke with disgust of their work as "dirty," "not fit for a woman," and advised me not to "get changed." The older workers had "got used to things" and liked the wet room, but advised a young woman not to begin it.

Methods of correcting these conditions. Sufficient evidence is lacking to prove that it is unhealthy for the women in this trade to stand barefoot on wet brick floors, to work all day in damp clothing, to go in damp clothing from a moist warm atmosphere into the outdoor air at night. No figures can be brought forward to prove that the resentment which wet-room girls feel toward conditions which make it impossible to keep themselves neat and presentable, or to maintain a decent privacy, is not due to false pride — that such conditions are demoralizing; but if further investigation should show such to be the case, it would be possible to frame a law that would embody the following measures now enforced in England and successfully tested by Massachusetts firms which look to the comfort of their employees: —

First — Dressing rooms.

Second — Wet-room floors made of material which will not absorb moisture, will not crack and will maintain its level. (Tiled floors and wooden floors painted with red lead have answered this description.)

Third — Splash-boards adjusted to the frames so as to direct the spray downward, and thus shield the bodies of the workers.

Fourth — Trays or groovings in the floor under the frames to catch the drippings and drain the water off.

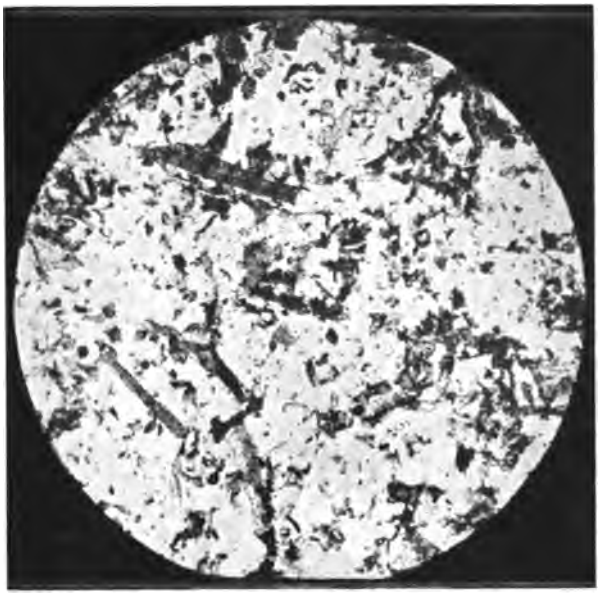
One of the wet rooms in this state has all of these improvements. The spinners and doffers in this room wear shoes and go dry shod, are able to keep their waists dry and to put on dry outer clothing at night after work.

THE DUSTY PROCESSES.

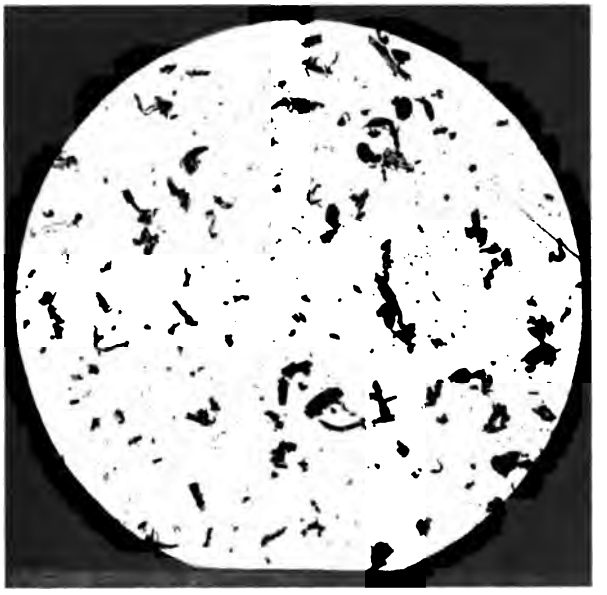
At both rope and twine factories the crude material is first passed through a series of combs and rollers in order to disentangle it and free it from particles of fibre and foreign matter, till the matted, dusty bale which was shipped by the agriculturist comes out of the roving frame a smooth and even ribbon. From the hackles of the twine factory or the breaker of the cordage, through to the spinning frames, a great deal of dust is generated as well as in the parallel processes which reclaim the waste and utilize the tow.

The amount of dust varies according to the material used, jute, hemp or flax, the kind of hemp or flax, according to whether the material is oiled in the process of preparation, and according to the ventilation of the room and the amount of moisture in the atmosphere.

None of the conditions in these rooms is exceptional. In a room where there was no attempt at artificial ventilation, I have seen a breaker card at work on American hemp which created such a dust that it was difficult to distinguish the feeders. In a small batching stall at a twine factory, I could not see the men at all a few minutes after they had begun to handle the flax. Such a state of things, however, is not typical of conditions at the twelve factories which have been investigated, but it is interesting to know that they can exist under the present law.



Amount of dust breathed per half minute by woman working at a spread board in a flax factory.



Amount of dust breathed per half minute beside a picker in a flax factory. Effective ventilation by suction fan.

Mr. C. E. A. Winslow, of the Institute of Technology, has devised a simple test by which the dust present in the air of certain rooms has been measured. The operator held in her mouth a short glass tube, one end of which was loosely stuffed with cotton wool. She breathed in through her mouth and blew out through her nose, keeping this up for half an hour. The dust which lodged in the cotton was then weighed. Weights varying from fifty-three[1] milligrammes to zero[2] and averaging twenty milligrammes, were obtained in thirteen rooms where different kinds of flax or hemp were being prepared.[3] The accompanying photographs show the amount of dust breathed in *one half minute* in two of the rooms.

Effect of the dust on the health of the workers. During the first week in a dusty room at either a cordage or a twine factory, an employee is likely to have what is called "mill fever," to manifest many of the symptoms of a bad cold, with loss of voice, slight fever and a general feeling of weakness, and is often incapacitated for work for several days. After this she is supposed to be immune.

The older workers in the dusty rooms, at hemp as well as flax factories, are likely to become asthmatic and hoarse. This statement is based on my own observations while an employee in a flax factory, and on the statements of employees in a number of different factories. The manager of a mill lodging house described the condition aptly when she said that some of the older workers were "all choked up" when they came home at night and could "scarcely croak" for an hour or so.

Apparently these people are especially subject to bronchial troubles. Sixteen doctors who have large practices among operatives in twine and cordage factories were interviewed during the course of this investigation. Two were located near factories where only a slight amount of dust is generated. Eleven of the sixteen find chronic bronchitis, asthma and catarrh unduly prev-

[1] Flax picking.

[2] Breaking oiled sisal and manila hemp.

[3] The processes represented were hackling, spreading, shaking, carding and picking at flax factories, and breaking, picking and spreading hemp at cordage; the methods of ventilation and the condition of the atmosphere varied greatly.

alent among workers in the dusty rooms of these factories.[1] Two of the eleven attribute this to the harsh climate, while nine attribute it to long hours spent in a dusty atmosphere, and believe that colds among these people are likely to turn into something serious if work in dusty rooms is continued. Six of the sixteen doctors had noticed a peculiar kind of skin disease among hemp and flax workers, and attributed it either to dust or to the presence of harsh oils. All of the doctors located near factories where sisal hemp is used, agree that this dust makes wounds fester and retards the healing process.

According to much that has been written and said of the effect of dust on the lungs, it might be expected that tuberculosis would find many victims in cordage and twine factories. Dr. T. Mitchell Prudden says in *Dust and its Dangers*: "Very moderate amounts of dust particles in sensitive persons cause such a degree of irritation of the respiratory organs as either to deprive them of robust health or predispose them to the acquirement of various diseases, which with unirritated lungs they would readily resist."

However, less than half the physicians consulted state positively that they believe consumption to be unduly prevalent among workers on flax and hemp. Several of the physicians suggest that this is accounted for by the fact that tuberculous operatives often leave the mill some time before they are driven to consult a doctor, whereas bronchitis is more immediately alarming and requires a doctor at once. So the effect of occupation is often unemphasized in the case of consumptives.

It is undoubtedly possible to carry off a great deal of the dust generated in the preparation of flax, hemp and jute. This is done at certain factories in the state, and chiefly by the use of suction fans adapted in various ways to special conditions. Good results are obtained in hackling and card rooms by enclosing the machines in hoods which are drained by pipes connected with fans, and conditions in some of the drawing and roving rooms are greatly improved by fans placed in the walls. Another device is successful in a handsorting room at one of the twine factories. A grated

[1] One of the sixteen, who does not find these diseases prevalent among men in a picking house, the only very dusty place at the neighboring cordage factory, attributed this to the well-known readiness of the firm to transfer an employee to a less dusty room on his doctor's recommendation.

trough is run along the back of the bench at which the workers stand, and through this the dust is sucked down and away from their faces. It is said by older employees in this factory that a few years ago, before there was any attempt at artificial ventilation, it was impossible to see the length of the room; now little dust is visible.

The ventilating apparatus at a picking room in another flax factory is particularly successful. The portion of the machine from which the greatest amount of dust arises is enclosed in a wooden pen, reaching to within three feet of the ceiling. Over this is suspended a pipe with a large opening, through which the dust is drawn, but it is adjusted at such a height that only the lighter particles are carried up and off, while the stock drops into the pen. The feeder stands outside the pen, and some of the dust which escapes from the tow which he handles is laid by a small jet of steam injected into the room near the ceiling. A dust test taken in this room gave five milligrammes as the amount breathed in per half hour, while in the picking room of another flax factory, a test taken under parallel conditions, except for steam and fan, gave fifty-three milligrammes.

The success of any ventilating apparatus depends entirely on its adaptation to special conditions. The point at which the dust is generated, the weight of the dust, and the relative position of machine, worker and windows, all have to be taken into account; otherwise conditions may be made worse, or only negative results obtained. At a certain factory, for instance, wall fans are so placed that the workers stand between the machines and the fans, so that the dust is drawn up and *past their faces*. At another factory, fans were ordered by the inspector, and placed in a wall near the ceiling. The windows in this room would only open at the top, also near the ceiling. Consequently the draught passed straight across the room, over the machines, and over the heads of the workers, with little appreciable effect on the dust, except to stir it up.[1] If the windows opposite the fans had been made to open at the bottom and had been closed at the top, the dust would have been drawn up from the tops of the machines where it was chiefly generated, and out of the room.

[1] Opinion of the sanitary expert who later drew plans to ventilate this room for the firm.

In Massachusetts, as well as in England and on the Continent, workers in dusty places have objected to being muzzled by respirators. Also in some places in this state fans are most unpopular, but in these cases cold air was thrown down on women who worked in highly heated rooms. It is believed that such instances are rare and unnecessary, and that fans have been welcomed as a relief in all of our factories where they have been properly placed.

The Massachusetts law makes some provision for the ventilation of dusty factories. The law [1] reads: — "If . . . any process is carried on by which dust is caused which may be inhaled to an injurious extent by the persons employed therein, and it appears to an inspector of factories and public buildings that such inhalation would be substantially diminished without unreasonable expense by the use of a fan or by other mechanical means, such fan or other mechanical means, if he so directs, shall be provided, maintained and used."

In this law much is left to the judgment of the individual factory inspectors. There is no standard to gauge the amount of dust which may be safely inhaled; the inspector must interpret the meaning of "unreasonable expense;" and if not invent apparatus for removing dust, at least adapt it to special conditions.

This investigation has shown that: —

1. The amount of dust present in rooms in different factories where similar materials are prepared with similar processes, varies greatly.

2. Devices for carrying off dust have proved to be successful in some parts of the state but are unknown in others.

3. In some instances ventilating apparatus ordered by inspectors, and some that has been put in voluntarily by humane manufacturers, has proved ineffective.

I quote the English regulation for the removal of dust in flax factories: — "In every room in which roughing, sorting, hackling, preparing or carding of flax or tow is carried on, efficient exhaust and inlet ventilation shall be provided to secure that dust is drawn away from the workers, at or as near as possible to the point at which it is generated.

"The sectional area of the exhaust openings near to each set

[1] R. L. chapter 106, sec. 52.

of hackles shall be not less than 120 square inches and the arrangement shall be such as to secure that the velocity of the air passing through each exhaust opening and measured at that point shall not at any time be less than 450 linear feet per minute.

"The air inlet shall be so managed that no direct draught falls upon the persons employed; and the arrangement of inlet ventilation shall, as far as practicable, be such that the temperature of the incoming air shall not be less than 60° F."

A specific law of this character, adapted to conditions in our factories, would relieve inspectors of the impossible task of solving problems which properly belong to specialists in sanitary science, would relieve large manufacturers from the expense of experimenting with methods for improving conditions, and would bring improvements within the means of small manufacturers who cannot afford to experiment.

Much has been done voluntarily by manufacturers of rope and twine in this state to improve the hygiene in their wet and dusty rooms. It should be a comparatively simple matter to draw up regulations based on the most successful of these experiments and on reports of experiments abroad, and to insure decent and more healthful conditions in all of our flax and hemp factories.

III

VIOLATIONS OF HEALTH LAWS IN WOMEN-EMPLOYING INDUSTRIES

CAROLINE MANNING

In this investigation of the conditions under which women work, we have secured employment for ourselves in factories and stores for a period of a year and a half in order to get a more intimate knowledge of the problem, and conditions have been observed from the employees' point of view in twenty-nine establishments. We have made careful notes of the sanitary conditions in all of these places and especially of instances where, if the sanitary laws had been intelligently enforced, conditions would have been rectified. By sanitary laws we mean the laws which relate to cleanliness, ventilation, toilets, seats and hours of labor.

The law says factories shall be kept clean and well ventilated, but the degree of cleanliness and good ventilation necessarily varies with different classes of establishments. This law is very general, but by keeping in mind the conditions which prevail in some of the better places, we have been able to set up what seems to be a fair standard. With this standard in view we have recorded in twenty-nine establishments sixty-three violations of general sanitary laws, and of the more specific laws relating to seats and hours, an average of two and one sixth violations per establishment. This average does not include instances of locked doors, wages overdue or illegal employment of children.

There appears to be a tendency in establishments of the same class to violate the same group of laws. In two of the three dressmaking establishments, working conditions were especially bad on account of the irregular hours and shortening of the noon-time. Thirty or forty girls worked often in the evenings to any time between 7 and 10; the length of their hours was dependent

entirely upon when they finished their task. The noon hour was frequently encroached upon. As lunch time approached, the woman in charge would examine the progress made by each girl, and then if she were not satisfied, and she seldom was, she would demand that the worker forfeit her lunch hour. On the occasions when a girl did get an opportunity for her lunch, she often preferred to work so as to enable her to go home earlier at night. In the third dressmaking establishment where we worked, a place of the same grade, the work was well organized, demands on the employees reasonable, and the labor laws complied with to the letter.

In factories the hours were more regular. In all but two of the nine investigated, the law was complied with in this respect. Cleanliness was maintained by the employers in all but one factory out of the nine. In eight of the nine factories, the air was decidedly bad. In the rooms of a cotton mill, where I worked, no fresh air was admitted between the hours from 6:30 A.M. and 6 P.M., and the next morning the air smelled as if it had been carefully locked up all night. The operatives object to open windows since a draft breaks the thread and as piece workers they naturally object to anything which delays them. The atmosphere in this room was filled with dust and lint from the process of spinning, so that the discomfort and danger from bad ventilation were greatly increased. Besides this, the moisture and intense heat were very oppressive. In the late spring, drops of moisture collected on the walls and windows and there was a continuous jet of steam entering the room all day in order to maintain the degree of moisture supposedly necessary to the process. In two other cotton mills with which we are familiar, ventilation is equally bad. Many of the workers remain during the nooning and as there is no provision made for seats, they sit upon the floor, leaning against the wall or the machinery frames.

In the toe-filling room of a shoe factory where we worked, a factory in most respects model, the only provision for ventilation is through open windows, but the windows were never opened during the working days of the week we were there on account of the drying effect on the patent leather. The girls who had worked here for several years told us the windows were never opened.

On dark days the air was further vitiated in this place by the burning of gas.

In willow works establishments there was the usual poor ventilation prevalent in eight of the nine factories investigated, but other conditions thrust themselves upon our attention. There was a great deal of waste in the process and the workrooms were seldom swept. The only toilet was in the middle of the room and no separate toilet accommodations were made for the women, as the law prescribes. The windows were so covered with an accumulation of dust and dirt that the light was subdued and it was difficult to see in the afternoon.

In fourteen of the fifteen restaurants where we worked, conditions were worse from a standpoint of health than in any other class investigated. There was a marked lack of cleanliness and long and irregular hours were almost universal. In six of the restaurants little effort was made to comply with the requirements that such establishments "shall be kept clean." In eight the toilets were in a very bad condition. In seven, we worked over 58 hours a week and in eleven there was either no time schedule posted or the actual working hours were longer than the schedule time.

In some restaurants where the 58-hour law was observed, the total time that the worker was at the place of employment was longer than the total time scheduled owing to the practice of giving recesses of from forty minutes to two hours' duration, sometimes called "times to rest." These came during the slack time of the day and were not long enough so that the employees could make any personal use of their time.

In one of the fifteen restaurants almost every law for the protection of the health of employees was violated. The kitchen was unclean, walls and ceilings black with smoke, grease and cobwebs. Odors arose from the sink and refuse was allowed to collect for days in uncovered barrels. Here flies and vermin were the most in evidence, although receptacles for bread and crackers were also infested. The kitchen was ventilated by one small window and one door, with no screens for either. Added to the discomfort, the men in the kitchen were frequently smoking and spitting. The toilet was dirty and dark with no provision for

ventilation except from the door, but it was not situated in the kitchen, as was the case in three restaurants where we worked. The total number of hours that I worked at this place was sixty-six per week and I was not on an exceptional schedule for the other waitresses worked as long. The hours of cooks and servers were even longer.

It would seem that the observance of sanitary laws in these twenty-nine places may be considered fairly typical. We sought work in no case because we heard that the labor laws were violated in any given establishment, and so far as the labor laws are concerned employment was taken at random. These places of employment lie in the districts of four different factory inspectors, three in Boston, one outside of Boston. They represent a varied number of occupations, including nine factories; shoe, glove, chocolate, box, cigar, basket and three cotton mills; fifteen restaurants, including one hotel; three dressmaking establishments and two stores.

CHAPTER III

WEAKNESS OF THE MASSACHUSETTS CHILD LABOR LAWS

GRACE F. WARD

WEAKNESS OF THE MASSACHUSETTS CHILD LABOR LAWS

Relation between Laws Pertaining to Women and Children.

At the beginning of this investigation of child labor, the question, always a burning one, was more than ever alive. New York had just passed a law which forbade the employment of children under 16 for more than eight hours a day, requiring that their working day should not begin before 8 or end after 5. The outcry among the manufacturers had been immense when this law was passed. It was declared that it would be impossible to have one hour for adults to begin work and another for the children. Nevertheless the law was introduced, and it continues to be in force. At the same time New York was changing her educational requirements. Instead of a bare knowledge of the processes of reading and writing, the exact degree of which would always be left to individual judgment, New York now required that every working child must show that he has training not only in reading and writing, but in arithmetic up to and including fractions, and in other subjects to the fifth year of public school requirements. Heretofore only Illinois, and that very recently, had gone beyond Massachusetts in increased requirements for its working children. Thus the knowledge that this state was falling behind in its race was perhaps a determining factor in stimulating a study of the present status of the law in Massachusetts.

Illinois and New York are certainly in advance of Massachusetts in the enactment of new laws requiring shorter hours and increased education of the young workers. Miss Whittelsey's book[1] leaves the impression that the laws here are already too strict, that the increasing labor demands have already made serious inroads on the commercial and industrial supremacy of the Bay State. She suggests the question, Is the Massachusetts

[1] Whittelsey, Sarah S., *Massachusetts Labor Legislation.*

law already so stringent as to challenge industrial prosperity? It remains to see if the administration of the Massachusetts law is precise enough to make even its lesser demands effective.

These were the problems on which I set out to gain some light in the fall of 1907. Conditions have changed very little since that time. Until the last meeting of the legislature, no laws of any importance with regard to child labor have since been passed. The General Court of 1910, however, has advanced three remarkable laws.[1] By one of these, newsboys and other street traders are given a protection such as no other state gives them. Responsibility is placed not upon the shoulders of the irresponsible children, but upon the bodies who employ them, and who exploit them for their own profit. Of that we shall speak later. Another law, just enacted, goes farther than the New York law which demands the physical examination and certification of all children who cannot procure definite proof of age, and thus indirectly seeks to secure a certain physical standard among working children. This recent Massachusetts law requires the physical examination and certification of every child who goes to work, and the definite statement that his intended employment will not permanently injure him. Attempts have been made before to secure passage of a similar law, but they were defeated. It remains for the future to show how well this new regulation will work out in practice; and indeed, to demonstrate whether it will become a dead or dying letter as with so many well-intentioned laws. A third law excludes minors from such occupations as are declared by the State Board of Health to be injurious to health.

The past decade has shown us this, if nothing else, that laws however well-intentioned count for very little when they are not thoroughly executed. Systems of administration count for quite as much as the laws themselves; and they are usually much harder to organize. For years there has been no meeting of the legislature without an attempt to amend the child labor laws, in order to make them more effective. As fast as one loophole is stopped up, another appears.

We have been so sure for many years that affairs in Massachusetts were not as they are elsewhere, that we have neglected to

[1] Massachusetts Laws, 1910, c. 257; c. 419.

see how they really fare, and as a consequence, we find evasion and slighting regard where the greatest care is necessary. For instance, does Massachusetts know how many of her children are actually at work? The southern states are held up to us as horrible examples of the widespread evils of child labor. Are there as many children at work in any southern state as in Massachusetts? We hear of tiny tots of five at work in southern mills and factories. The Massachusetts census of 1905 shows a tiny actress of just that age as the youngest worker in the state. Our state requires proof that a child be fourteen before he may go to work. Pennsylvania required proof, but accepted the word of a parent even in defiance of all probability until a year ago. Until two years ago, certificates were issued in Boston, based practically on the mere word of a parent or of the child himself. In the matter of the certificates, too, what assurance have we that the Massachusetts law is better than that used elsewhere? Every town and city of the state decides for itself what shall be the form of the certificates, who shall issue them, and how the duplicates required by the law shall be preserved. As a matter of fact, it would seem that every town has decided that the number of certificates issued is a matter of small concern; for no record of it is ever made public. No school report with which I am familiar ever pays the slightest attention to the children who go to work; although one must query why the school authorities should not pay as much attention to this, the larger part of the youthful population, as to the better protected part which continues in school. Here are some of the points of attack upon the system now used in the state.

Legislation in the past has recognized that conditions of labor for children and women are very closely allied by nature. Both classes are admittedly in need of greater protection by the public than is usually afforded to the working man, and this for cogent reasons. The physical strength of the working man is less likely to fail through overwork; and even where it does fail, the effect on future generations is less serious than a similar deterioration in the mothers. In handing down a decision declaring constitutional the limitation of the working day for women, the chief justice of the Supreme Court recently emphasized this fact. "If the health of women is clearly weakened by long hours of work,

there can be no question of the need of restrictive legislation on this point." As the defence of the case in appeal showed that such results of overwork were admitted throughout Western Europe, and by physicians everywhere, the decision of the Supreme Court was unhesitating. But if true in the case of women, bad conditions of labor are even more plainly injurious to growing children. Thus the legal restrictions for the labor of women and children are of paramount interest everywhere; and Massachusetts as a leading industrial state must needs keep up with the van.

It is important before taking up our main thesis — the method of enforcing the present child labor law, and the system by which the state informs itself of the effectiveness of this enforcement — that we have clearly in mind the general outlines of the regulations applied to working children. Although many laws applying to children do not concern women at all, it is impossible to consider the child labor law alone as restrictive of the labor of children without a preliminary survey of the many laws of labor for women which also include children.

The law declares that the working day of women and children must not be more than ten hours,[1] nor their week longer than 56 or 58 hours.[2] Work after 10 at night in factories is prohibited; and after 6 in the cotton and woolen mills. All women and children operatives in any establishment must have their meal times at the same period, and they must not work more than six hours without time for a meal. Furthermore, doubling up, or doing work for another while at meals is expressly forbidden. Thus it appears that women and children must not work more than ten hours,[3] that they must have at least a half hour for lunch, and that they may have a short day Saturday. Overtime is illegal except to make up for a breakdown lasting for more than half an hour; and even then only when it is made up during the same week.

Stringent though these regulations seem, they are weakened by several exceptions. Thus the working day in factories must be not more than ten hours, except to make up a weekly half-

[1] Applies to factories and workshops, not to stores and restaurants.

[2] Fifty-eight hours in mercantile establishments (stores, restaurants and hotels); 56 hours elsewhere.

[3] The working day in stores, etc., is not limited, only the working week.

holiday,[1] or to make up time lost through a breakdown to the machinery. An exception of similar import makes it possible to keep women and children at work on Saturdays until 1 P.M. (a session of more than six hours) with no interval for rest or lunch. Although the movement for a Saturday half-holiday comes from the workers themselves, and the desire for it is natural, the question whether a working day of over ten hours is not too exhausting for permanent health is a serious one.

In order to secure obedience to the regulations, schedules of hours must be posted in every room where women and children are employed, visible alike to all the workers and to the casual visitor. These are on printed forms, furnished by the district police. There can be no question of their adequacy in factories and workshops where any mechanical power is used. Violations of the scheduled hours are easily noticeable, and can be readily detected. But in work of a more continuous nature, such as that in the large stores, restaurants and hotels, a uniform lunch hour would cause great inconvenience. The system, therefore, used in many of the mercantile establishments is to fill out the schedule so far as the beginning and ending of the day; but merely to state the time allowed at noon; thus:

Begin.[1]	Noontime.	Close.	No. hours.	Total.
8 A.M., . . .	½ hour.	6 P.M.	9½	57½

Another method is to divide the working force into shifts, each of which has a separate schedule, requiring the same lunch hour for that group of workers, thus:

Begin.	Noon.	Close.	No. Hours.	Total.
Mon. to Fri. 6:50 A.M., ...	12-1	6 P.M.	10:10	–
Sat. 6:50 A.M., ...	–	12 M.	5:10	56

Special sanitary provisions must be made where women and

[1] R. L. 106, sec. 24.

Usual factory and mill schedule. It is to be noted that the week working hours allowed is 56 in factories, 58 in stores.

children are employed. Clean and separate toilets are required, and seats must be supplied for women. The law also declares that such a place of employment must be kept clean,[1] must be kept free from gases or odors from drains[2] and must be well ventilated.[3] Laws requiring plans for ventilating buildings, for carrying off dust generated by the processes of work, and for tenement-made clothing, apply to both sexes and all ages as do the other sanitary laws. In all other respects, women and children are protected by the general laws regulating conditions of employment. Questions of wages, of personal safety, and of compensation for injury concern women and children as well as men, and with justice.

The Child Labor Law.

The child labor law so-called falls easily into two main divisions: the general limitations of child labor according to age and education, and certain special regulations and laws bearing upon specific trades and occupations. The former compose the real child labor law and apply to all young workers, whatever their occupation. The provisions of the special regulations are precautionary and affect a comparative few.

The ideal of the National Child Labor Committee that the law should be inclusive of all children, and that the age limit should be 16, is not attained in Massachusetts. On the contrary, the law is burdened with many special clauses and exceptions, and only in the case of illiterates does it forbid employment before 16. Yet the fight renewed each year in the legislature brings gradually nearer that simplicity and inclusiveness we should like to see.

Instead of saying that children under 16 shall not work, the present Massachusetts law says:

1. Children under 14 shall not work in factories, workshops or stores.[4]
2. Children under 14 must not work during school hours or in the

[1] R. L. 104, sec. 41; 106, sec. 47.
[2] R. L. 106, sec. 47.
[3] R. L. 106, sec. 51; Acts of 1907, 503, sec 2.
[4] An exception to this law, allowing illiterate children (14 to 16), who are required by law to attend day school, to work on Saturdays in stores, has been interpreted by the Boston school authorities, and consequently by the truant officers, to include children under 14 in this permission. The district police, however, interpret it differently, and exclude children under 14 from stores, when they find them.

evening.[1] This age requirement is extended to 16, when the child is unable to read and write English.[2] The employment of the child under 14 and of the illiterate under 16, is by this means limited to such work as household service and the street trades outside of school hours. For the child over 14, and thus legally entitled to work, the regulations are similarly full of special clauses.

3. Children between 14 and 16 must not work without procuring certificates of their age, education and physical ability.

4. Children over 16 must not work without procuring certificates of their ability to read and write English. If unable to obtain these, they must attend evening school, and furnish proof of it to their employers.

Among other special requirements, is one prohibiting the employment of children under 16 on elevators; or under 18 if the speed is 100 feet per minute or more. Another forbids children under 18 working in breweries or saloons, where intoxicants are bottled or are offered for sale. Children under 18 must not work in occupations declared by the State Board of Health to be injurious. Under 15 children may not dance, sing or perform as gymnasts on the stage (although they may take what are technically called *walking and talking parts* at the age of 14). The different regulations for the street trades might also be considered here, but it seems best to leave them for special treatment.[3] In speaking of the child labor law, the general provisions will usually be referred to. Although the special regulations take no small part in protecting the working child, they relate to exceptional cases.

The Importance of the Child Labor Law, as Shown by the Numbers Concerned.

How large a part does the child worker play in Massachusetts industries? Working children are familiar to us all. In the mills and factories, large numbers of small girls and boys may be seen doing the more mechanical work, tending bobbins, and sometimes machines. Although the cry of "Ca-ash" is not now so frequent as it was a few years ago, boys and especially girls are still at work in the large stores. Office and errand boys

[1] In textile factories, cotton and woolen mills, after 6 P.M.

[2] The law states that the child shall be able to read and write English sufficient for entrance to the 4th grade.

[3] See pp. 212-217, *post*.

are sometimes very young, and their work is not always light. It is on the streets, however, in what seem the places of utmost danger that we see the youngest of our youthful workers. Newsboys and peddlers are often mere babies. Indeed boys of five or a little more are not unfrequently standing on the crowded corners selling shoe-strings or papers.

However, Massachusetts has always been considered a leading state in the protection of its working children. The conditions of the southern states, where we hear of five-year-old children working twelve hours a day, are not repeated here. Neither is it possible in Massachusetts for a parent to put a nine-year-old child to work by taking oath that he is fourteen. Yet this was the case until last year in Pennsylvania; it is still true of some states, a parent's affidavit of his child's age being legal proof of it. Massachusetts has a fairly strict requirement of proof of age, and a parent's word has no legal value, although this is not always true in practice. Nor does Miss Whittelsey's idea that the increased restrictions on labor are driving manufactories from the state and injuring its industrial importance seem clearly proved. Investigation has frequently shown, with reference to child labor at least, that the waste of time and materials where numbers of small children are employed, would make up for a number of adults competent to do the same work.

Before dealing with the general administration of the present law, it is of the greatest importance that we realize how many of these young workers there are in the state and what are their comparative ages. According to the district police, boys and girls between 14 and 16, the youngest children who may legally be employed, form 3 per cent of the total working population of the state. The Massachusetts state census of 1905 makes this proportion somewhat greater, although among the working women are included all women who perform their own household service.

Interesting though comparative percentages may be, however, it is necessary first that we know just how many child workers there are in absolute numbers: how many under 14, when work is seldom legal; how many between 14 and 16, when working children are closely supervised by the state; and how many over 16 not yet come to their full growth. With these details known, one may make an estimate of the importance of the subject; without

them we may continue in our present blissful ignorance. If child workers are comparatively few, the conspicuousness of their usual employment in stores, offices and mills may blind us to the relative insignificance of their number. If, on the contrary, the number is a large one, and a goodly proportion of our children become workers during immaturity, the seriousness of the problem cannot be overestimated.

Moreover, we must also consider the adequate enforcement of the law. There are fifteen factory inspectors; there are fourteen inspectors under the state board of health. Each of these bodies must each year cover the state, investigating for violations of different sets of law affecting the working population. Mainly, however, the execution of the child labor laws is in the hands of the factory inspectors. While the group of inspectors may be fairly adequate to enforce the law when 15,000 children are concerned, can they be as efficient when dealing with 40,000? In this respect, it is of interest to compare the number of children reported by the factory inspectors with that gained from other sources. Where we find their report showing about 18,000 children between 14 and 16 at work in 1905, the state census figures give nearly 22,000; and from other sources it seems that the number could be not less than 30,000. Actual knowledge of the number of children with whom we are dealing thus becomes a matter of importance.

We have as sources of information as to this number the national and state censuses, taken at five-year intervals, and the annual school census. We have also the yearly reports of the district police, which may be considered as official records of the number of children actually at work. There are, in addition, several estimates of more or less private nature, but based upon authoritative statements. These are always suggestive, and sometimes illuminating.

During the last decade, statements as to the number of working children have been published:

A — Official.

1. The United States decennial census for 1900.
2. The Massachusetts state census for 1905.
3. The school census, taken annually in September.
4. The reports of the district police, annual in December.

B — Unofficial.

1. An estimate of the number of children 14 years old and out of school, made by the state board of education in 1904–5.
2. An estimate of the children 14 to 16 out of school and at work, made by the Commission on Industrial and Technical Education, April, 1906.

The United States census is now ten years old, and is of value mainly for comparison and the reports are for the larger cities only.

The Massachusetts state census for 1905, not yet entirely published, is accessible, although some of its figures lead to serious doubt as to its absolute value even for that year. For instance, the state census gives 91 newsboys in the whole state, 81 who also go to school and 10 who do not. In the calendar year of 1905, there were issued to boys under 14 in the single city of Boston, 2,513 licenses to sell newspapers. An average of twice as many per month as there were newsboys in the whole state according to the census.

According to the present law, the annual school census concerns itself with children from 5 to 15 (exclusive) years old. There was probably an historical reason for this arrangement; there is certainly no reason for it now. The school law requires the attendance of all children from 7 to 14 (exclusive), and this number the school census gives. Since children may go to school at 5, there is no objection to beginning with five-year-old children; but there is certainly no logical ground for averaging together children from 5 to 7 with those between 14 and 15. This, however, is the present state of affairs. The school census inquires the number of children between 7 and 14 (ages of compulsory school attendance); between 5 and 15 (the so-called school ages); those over 15 who are still in school; and the number of illiterates over 14. It is a matter of surprise that these divisions bear no relation to the child labor law, although a rearrangement could be easily made. If the school census ascertained the number of children between 7 and 14; between 14 and 16; the illiterates between 14 and 16; and those between 16 and 18, its figures could play an active part in executing the child labor laws. They

would form a basis from which workers in behalf of the children could start.

But aside from its method of arrangement into age periods, which results in no statistical information for our purpose, the school census is notoriously unreliable. In fact there is often no effort to make a careful enumeration, the census being a local matter, and as a consequence we find the following state of affairs. The school census for a certain year gives the number of children 7 to 14 in the state as 374,312. Now the actual enrollment for that year in public schools was 324,368; and in private schools 61,980[1]; making a total enrollment of 386,348 or 12,000 more than there were actually existent according to the census. Such is the trustworthiness of the school census.

The reports of the district police are an easily accessible source of information. The number of children between 14 and 16 are reported from every establishment visited. According to Miss Caroline Manning's estimate,[2] however, only a fraction of the total number of places of employment are visited each year. Consequently only a part of the children of those ages can appear. On questions relating to employment of children under 14 and over 16, these reports give absolutely no information.

In 1904 the question of raising the compulsory school age to 15 caused the need of an estimate of the number of children between 14 and 15 or at 14 years of age. The secretary of the state board of education made such a calculation based upon special reports from 322 of the 353 towns of the state and an estimate of the remainder. The figure obtained for the number of children between 14 and 15 who were not in school was 17,665. Miss Susan M. Kingsbury, who conducted the investigation for the Commission on Industrial and Technical Education in April, 1906, made an estimate of the number of children between 14 and 16 who might be benefited by industrial schools and who were either at work or idle. The return came from school super-

[1] This figure is taken from the returns to the state board of education by the towns. It does not appear in its report; and it does not include the children from several towns where totals 5 to 15 only were given, although in this number is included Hyde Park with a total parochial school attendance of over 3,000.

[2] Based on the number of establishments visited according to the district police report as compared with the number of establishments in the state census of 1905 and the 1905 Red Book.

intendents representing 90 per cent of the population and including all cities and large towns, and based on both age and schooling certificates issued and pupils dropping from school, for the two years preceding. On this basis she placed the number of children at 14 and 15 years of age who were not at school as at least 25,000.

Faulty though these sources of information appear, and contradictory though their results may be, it is still more disconcerting to find how few questions they will answer. What we want to know is: 1. How many children under 14 years of age are at work in the state, legally and illegally? 2. How many children between 14 and 16 are at work? 3. How many over 16 or between 16 and 18? 4. How many are illiterate between 14 and 16, and thus compelled to attend day school; and how many are over 16, and thus should be compelled to attend evening school?[1]

What answer do these sources give to our questions? 1. According to the state census of 1905 there were 394 children under 14 at work. Of these, 123 were also in school; and consequently only 261 were working in violation of the law. In this total are included the 91 newsboys previously mentioned, which makes the whole total doubtful. We may surely take this figure, 394, as the minimum. Now let us approach the subject by comparing the school census for any year with the actual school enrollment for the same year. We ought thus to find traces of the children not in school including those at work and those physically unfit for school. Note the impossible conclusions from these records:

Number of children 7 to 14 in the state (according to the school census),	374,312
Number of children 7 to 14 enrolled in public schools (according to school registers),	324,368
Number of children 7 to 14 enrolled in private schools[2] (according to reports to state board of education),	61,980
Total number of children 7 to 14 enrolled in schools,	386,348
Excess of children in school over total number in the state,	12,036

[1] Volume one of the *Report on Condition of Women and Child Wage-Earners in the United States*, issued by the Commissioner of Labor, Washington, which appears while this volume is in the press, may throw some light on this subject.

[2] Exclusive of those children in a number of towns where only totals 5 to 15 are given. These include over 3,000 as totals, and doubtless 2,000 or more of these are between 7 and 14.

Some small allowance may be made for children in boarding schools who belong outside the state. Such children are few, most boarding school pupils being in preparatory schools, and more than 14 years old. Fully 10,000 more children seem to have been in the schools than the school census reported. How, then, about the children illegally at work, or incapacitated for school? There is certainly no trace of that 261 found by the state census, nor of the sick children. We thus find ourselves at a standstill. The figures from the state census are apparently discredited, while those from the school census present an absurdity. We have absolutely no means of telling how many such children there are between 7 and 14 who are not at school, the only figures being the inadequate 394 from the state census.

Coming now to the number of working children between 14 and 16, we find more data than on the other questions. The state census gives us figures for 1905, the report of the commission on Industrial and Technical Education for 1906, and the reports of the district police for every year. This is the result:

	1905	1906	1907	1908	1909
Report of district police (official), . .	18,278	17,747	21,156	15,420	17,992
State census, ...	21,995	–	–	–	–
Report of Industrial and Technical Education Committee (estimate) at least, .	–	25,000	–	–	–

Taken at times closely approximate, we may expect greater agreement in the figures. But another estimate made at nearly the same period makes us increasingly doubtful whether an average of these figures (less than 22,000) or even the largest of them (25,000) is at all adequate. We have already mentioned the estimate of the children 14 to 15 made by the state board of education in 1904-5. As this, however, includes only those 14 years old, it is necessary to add figures for the fifteen-year-old children in order to use the figure for comparison. Following is the result:

Number of children out of school, 14 years old (report of state board of education),[1]	17,665
Number of children at work, 15 years old (state census), .	16,546
Total number of children out of school, 14 to 16, . . .	34,211

It is to be noted that no figures for fifteen-year-old children out of school and idle are included here, and that number would without doubt swell this total somewhat.

Another attempt was made in 1908 to estimate the number of children 14 to 16 at work from the age and schooling certificates granted throughout the state. Unfortunately returns were received from less than half the towns, although nearly all the cities and manufacturing towns are represented, and the returns show about 80 per cent of the total population of the state. This estimate was reached in the following complicated manner. Requests were sent originally to all towns of the state, asking the number of age and schooling certificates issued during the years 1905-6 and 1906-7 to children 14 and 15 years old respectively. The year 1907 was taken for results. To the total number of certificates issued during 1907, was added the number issued to 14-year-old children in 1906, which were presumably still in effect.[2] Where only the total number of certificates issued in a year were given, an estimate of those granted to 14-year-old children in 1906 was made by applying the ratio to the two ages for the whole state. Where the figures were not sent in, and where the character of local industries made it seem worth while, I made visits to the towns and actually counted the certificates issued. By these means, an estimate of 30,000 working certificates in effect Jan. 1, 1908, was made. Since returns for about 80 per cent of the population were included, it is perhaps permissible to apply this per-

[1] The number of children at work, 14 years old, according to the state census is 5,449.

[2] An abatement of the total number of certificates issued in 1906 to children 14 years old was necessary. This was to account for those some months over 14 when the certificates were issued, and who thus would have passed their 16th birthday before January, 1908. The actual number of certificates issued to such children in Boston was found and that proportion was applied to the total number for the state. Thus in 1907 in Boston 41.5 per cent of the fourteen-year-old children receiving certificates passed their 16th birthday before Jan. 1, 1909. It seems justifiable to apply this proportion to the number of certificates granted to fourteen-year-old children throughout the state.

centage to the resulting estimate. This gives
37,500 children holding age and schooling certi
tion to this number are those entitled to work at
ments without working papers. According to th
of 1905, there were 2,826 children under 16 emplo
sional, domestic, personal service, in agriculture
None of these would require certificates, and this nu
be added to the figures for the issue of working papers.
a total not under 40,000.

It is worth noting that this figure represents two fift
whole number of children of those ages in the state acco
the 1905 census. No account of those working in viola
the law, of those who have obtained no certificate, or of th
erates 14 to 16 has been included in this estimate.

If the number is certainly between 35,000 and 40,000, what s
we say about the less than 20,000 reported each year by t
district police, the body whose duty it is to see that children a
protected? Indeed, what can we say about the possible efficiency
of regulations, appropriations or officials appointed to see that
less than 20,000 children are protected when there are nearly
double that number working in the state?

Difficult and discouraging though computation has been in the two cases already discussed; there are here a few authoritative statements to start from. Even those are lacking in the case of minors over 16. Until 1909, illiterates 16 to 21 were counted as children by the school authorities in Massachusetts, but both the state and the United States census rank those over 18 as adults. In 1909, Massachusetts school authorities changed the evening school law to apply only to those under 18. In future, therefore, it may be possible to obtain comparable figures from the two sources. That is not now the case.

In spite of a formidable number of censuses and reports, the following figures are apparently all we can obtain about the number of child-workers in Massachusetts:

Number *under 14* at work (illegally or not):

No information except the already proved inadequate figures (394) of the state census of 1905.

Number *between 14 and 16* at work or out of school:
Official reports varying from 17,992 to 21,995.
Estimates varying from 25,000 to 37,500.
Number *between 16 and 18*, at work:
Not even a possible estimate.

The number of illiterates yet remains. The school census for September, 1905, gives 6,891 between 14 and 21. For those under 16, required to attend day school, no figures are available. Indeed, in this instance, the school laws and the child labor laws do not work together as is generally true. The school law requires that children under 16 who are unable to pass the test of literacy should attend day school,[1] while the labor law prohibits the employment of such illiterates only in factories, workshops and mercantile establishments.[2] Thus illiterate children over 14 and under 16 may be compelled to attend school if discovered by the truant officers, but the child labor law does not prohibit their working during school hours, except in the three employments mentioned above. As a matter of fact, the investigation of immigrant women and children by the Women's Educational and Industrial Union revealed one third of illiterate children under 16 either at work or at home.[3] The lack of co-ordination between these two laws is one of the matters to which early attention should be drawn.

In much the same way, the laws regulating employment of illiterate minors over 16 and under 18 apply only to factories, workshops and stores. Since, however, the hold of the government on such minors is necessarily more lax than in the case of children under 16; and since the protective power of the government is less needed, we may leave the matter with the simple observation of the fact, especially as by far the greatest number of minors over 16, as of those under that age, are at work in the three specified employments.

The question which properly arises is, What proportion of minors over 16 attend evening school? No answer is possible from statistical material. Fifty-nine cities and towns in the state maintain 273 evening schools, in which 49,721 pupils were

[1] Acts and Resolves, 1905, 320, sec. 1.
[2] That is, in the employments where age and schooling certificates are necessary.
[3] See p. 208 of this section.

enrolled during the year 1906-7, but of which the average attendance was 26,094.[1] According to the report of the previous year, 34 of these towns maintained 90 evening schools of an advanced grade, — drawing, high, or commercial schools. This number must doubtless be taken from the total, leaving but 183 evening schools in the state where illiterate minors can be taught to read and write English. If we could place much trust in the school census record of 7,918 illiterates in the state,[2] it would still seem that they might be cared for in the 183 schools for the purpose. But our distrust of school census statistics is in no place so great as in the instance of illiterate minors. Information is usually obtained from the homes of the minors and frequently during their absence at work. The reliability of those at home, whether parents, relatives, or landladies, is certainly small. The relations of illiterate minors and the evening schools is a matter of considerable interest which needs further investigation before conclusions can be drawn.

In Boston evening schools during the school year 1906-7, there were enrolled in elementary schools 7,961 pupils of all ages of foreign birth from non-English-speaking countries. It is impossible to tell how many of these were attending as illiterate minors under compulsion. The number of the latter is to all appearances large; for when a test was made in a single week of one year, thirty-one cases of non-attendance in violation of the law were reported to the supervisor in Boston. If that could be taken as an average number per week, the total number of violations for the twenty-one weeks of the evening school year would be over 600, in Boston alone. It is also true that the whole number enrolled in the evening schools is very incomplete. According to Mr. Lamprey's report in July, 1907,[3] many evening school pupils who have lost their employment for non-attendance, fail to register again when new work is obtained, and so avoid the necessity of complying with the school requirements.

In the investigation of immigrant women, evidence was obtained that the schooling requirements both for those under 16 who

[1] Annual Report of state board of education, 1908, p. 75.
[2] Annual Report of state board of education, 1908, p. 74.
[3] Report of the superintendent of schools, Boston, 1907, p. 49.

should be at day school, and for those between 16 and 21 who should be at evening school, were largely not complied with. Although the number of cases actually considered was small, it included women from all the principal immigrant races, English, Irish, Scotch, Italians, Russian Hebrews, Scandinavians, etc., so that it seems possible to regard the results as more or less applicable to this very large class among illiterates. The following is a brief digest of the figures with special reference to the violation of the literacy laws:

	11 to 16 Years.			16 to 21 Years.			Total.		
	No. of Cases.	Violations.	Per Cent Violations.	No. of Cases.	Violations.	Per Cent Violations.	No. of Cases.	Violations.	Per Cent Violations.
English-speaking,	14	0	0	101	2	1.98	115	2	1.74
Non-English-speaking,	34	13	38.24	75	25	33.33	109	38	34.86
Totals,	48	13	27.08	176	27	15.34	224	40	17.86

Although it might not be just to apply these percentages to the whole number of immigrants, yet there can be no question that the proportion of illiterates not in school, even after a period of residence, is considerable.

If it is possible that previous estimates of the number of working children 14 to 16 give little less than half the actuality, it reveals a cause for serious uneasiness. Methods of dealing with 20,000 children are sometimes inapplicable to 35,000 or 40,000. Certainly appropriations for 20,000 cannot be stretched to cover twice that number adequately. If the district police find but 20,000 children employed in the establishments visited each year, it is worth our while to investigate into the whereabouts of the missing half. Many of the boys have perhaps become street-workers, when, being independent merchants, they are troubled but little by inspectors. Others are at work in places unvisited by the district police or are idle and about the streets. Which of these classes will include the larger part of the missing half, it is impossible to say without further investigation.

If our statement of the numbers of children employed or idle is vague, is not that too a matter for study and improvement?

Massachusetts takes several enumerations of her people each year. The school census and the census of voters are perhaps the most prominent. Is it not possible to combine the operations, so that one fairly adequate enumeration can be made? Above all, it seems possible to make some division of ages other than at present in use in the school census, and so to make possible some comparisons of vital importance to the children.

A large part of the children 14 to 16 are at work, but without additional statistics we cannot assume how much. Any question concerning the working child must wait for real consideration until we know how many such children there are. No adequate inspection is possible if there are twice as many cases as the presumption called for in appropriation. No real facing the facts and coping with them can be made until we know whether we deal with one fifth the children in the state or two fifths of them.

It is perhaps not a matter of great importance to ascertain the number of children affected by the special regulations because it is so small. Moreover, no one of our sources of information throws any light whatever on the subject. The only information we can gain is from reports of violations, and upon those we must depend. One or two employers, when questioned, say that they have no use for children on elevators. Boys under 16 or 18 as the case may be, are too irresponsible to be entrusted with the operation of such dangerous machinery. The number cannot be large, although fifteen boys under 16 were reported to the state census of 1905 as working on elevators. With regard to children in breweries and saloons, the commissioner of police in Boston says that the licensing board would take cognizance of any violations of the law, but such cases are rare. With the number of dangerous trades determined upon by the state board of health since the law of 1910, the employment of children in those places may be of considerable importance, but they can easily be detected. With the exception of children on elevators, whose detection would be difficult, we may feel sure that the number affected by any of the special regulations is a small one.

The questions now to be solved are: (1) Who is responsible for the present unsatisfactory state of affairs? and (2) What is the most feasible method of improving it?

The Massachusetts law apparently lays the responsibility upon

the schools. The school authorities have power to execute the compulsory school laws; they *must* compile an annual census of all children of school age; they only are entitled to issue certificates of age and schooling which are *prima facie* evidence of age. But the recently issued "*School Reports and School Efficiency*" by Snedden and Allen contains absolutely no discussion of the part the school authorities play in the execution of the child labor law. A short section is devoted to school census,[1] in which the Cambridge, Massachusetts, census is noted among the best. The truancy question, and those of evening school and compulsory school attendance are discussed; but wholly from the educational standpoint. None of the school reports from Massachusetts I have examined, pay the slightest attention to the issue of certificates. All of these matters have distinct relations to the subject of child labor, and should be shown from that point of view as well. Moreover, Massachusetts is not the only state which places the duty of issuing working certificates in the hands of the school authorities. It is also the fact that the health authorities in New York have this duty. Nevertheless the elaborate criticisms of school reports on pages 118 to 127 of the book cited, might and should contain some notice of the relations of the schools to child labor, and the omission of all record of it in the reports.

If it is a fact that we expect too much of the school authorities in Massachusetts when we place the responsibility of seeing that the education laws are obeyed, and of issuing certificates to working children when the laws have been complied with, a change should be made at once. Yet all the proofs of compliance are, or should be, in the hands of the schools. With an adequate school census, managed by the state board of education, and uniform throughout the state, it would be possible to *know* how many children were not in school, who and where they are.[2] With a requirement from the state board that every town report the number of working certificates issued, we could find the exact number of children who go to work each year.[3] Inadequacy in these

[1] Pp. 45–57.

[2] The division into the age periods previously mentioned would apparently make little additional work for enumerators or tabulators, and would give desired information at a glance: Children 5 to 7; 7 to 14; 14 to 16 and illiterates 14 to 16 and 16 to 18.

[3] No certificates being issued without a promise of employment.

respects is certainly a charge which should justly be made against the Massachusetts school authorities under the present Massachusetts law.

Working Certificate Systems in Massachusetts.

"No child labor law is enforceable unless it provides for working papers, and a reliable proof of age."

Consumers' League Bulletin.

The original purpose of the age and schooling certificate in Massachusetts was to testify that the holder had attended school the number of weeks prescribed by law during the preceding year. This was at a time when the law read that "No child under 10 shall be employed more than 11 hours per day, nor unless he shall have attended school not less than 20 weeks in the previous year." It is from this period that the Massachusetts certificate has derived the name of age and schooling certificate. Its function meanwhile has changed. At the present time, the age and schooling certificate of Massachusetts is identical in purpose with the working paper of New York and other states. It must give assurance that the child has attained a minimum education. New York has also added that he must have reached a certain physical development and be in good health. Massachusetts has at last added the latter requirement, a bill for that purpose having passed in the legislature of 1910, effective on August 1, 1910.

As each state has made its own child labor laws, so has it evolved a certificate system, influenced strongly, however, by the experience of others. The last change in the Massachusetts certificate law was made in 1905, and since then there have been two forms, — for children between 14 and 16, and for those between 16 and 21 years of age. These may be tabulated as follows:

	Proof of Age required.	Education required.
Age and schooling certificate for children over 14 and under 16.	(1) Birth certificate. (2) Baptismal certificate. Other evidence on oath if (1) and (2) are unavailable in opinion of the grantor of certificate.	Read and write English for admission to 4th grade.
Literacy certificate for minors over 16 and under 18.	None.	Same.

It will be observed that certificates are granted only to literate children.[1] Illiterate minors must attend school, — day school, if under 16; evening school, if over that age.

The exact form of each certificate is prescribed by law and the conditions of issue are pretty clearly defined. The age and schooling certificates seem well safeguarded as to specifications. The prescribed form is as follows:

AGE AND SCHOOLING CERTIFICATE.
Revised Laws, Chap. 106, Sect. 32.

THIS CERTIFIES, That I am the.....of.....and that..... was born at.....in the county of.....and State of .....on the.....and is now.....old. Signature,..... Date,.....190 .

Town of.....City of.....

Then personally appeared before me the above-named.....and made oath that the foregoing certificate by.....signed is true to the best of.....knowledge and belief.

I hereby approve the foregoing certificate of.....height,..... complexion,.....hair,....., having no sufficient reason to doubt that.....is of the age herein certified. I hereby certify that.....can *cannot* write legibly simple sentences in the English language.

THIS CERTIFICATE belongs to....., and is to be surrendered to..... whenever.....leaves the service of the corporation or employer holding the same; but if not claimed by said minor within thirty days from such time it shall be returned to the Superintendent of Schools, or, where there is no superintendent of schools, to the school committee.

I HEREBY CERTIFY, That .....is regularly attending the.....public evening school. This certificate shall continue in force only so long as the regular attendance of said minor at the evening school is endorsed weekly by a teacher thereof.

Signature,.....

Date,.....190 . Official authority.....

Town of.....City of.....

[1] Throughout this paper, the word *literate* will have the meaning of the present law, — able to read and write English sufficient for admission to the 4th grade. Illiterate will signify inability to pass such a test.

In order to obtain such a certificate, the child must first present an "employment ticket" filled out by a prospective employer. This states the child's name, the color of his eyes and hair, his height, specifies the business of the firm, and is signed by the firm. Having obtained his employment ticket, duly filled out, the child presents himself with one of his parents at the office of the school authorities. There the parent must produce evidence of the child's age, his certificate of birth or baptism, or whatever other evidence is allowed by the person in authority. The child then proves his literacy by presenting a certificate from his school or by passing the test set for him in the office. The child must also present a certificate from a school physician stating that he is physically able to perform the work which he intends to do. Then the parent swears to the truth of his statement, and the certificate is issued.

It may be worth our while to notice a few of the loopholes which have been found in this procedure. First, with regard to the employment ticket. One of the grammar masters in Boston informs me that many boys who do not wish to continue at school obtain signatures to such tickets from friends, and on presenting them at the school, obtain a school record of literacy. Normally this should be presented with the employment ticket at the school committee office, in order to procure an age and schooling certificate. The boy, however, does not do this, but, because his name was crossed off the school lists when his school paper was granted, he is able to escape school until the truant officer finds that no certificate has been issued from the central office. Then, according to this master above quoted, the boy may be found and brought back into school, or he may not. By another trick, a boy has been known to obtain a bona fide employment ticket and a school record, the latter of which he has given to his employer. He thus avoids the bother of obtaining an age and schooling certificate and of proving his age. If not versed in the law, his employer thinks he has complied with it, while actually liable to a large fine for employing a minor without a certificate.

The problem of proof of age will be dealt with later; but in the matter of his proof of literacy, considerable leeway is now allowed the child. The usual method of such proof is to require

a school record signed by both teacher and principal of the school last attended by him, and certifying the grade in which he last studied. Certificates have been granted in some cases on school records two or three years old, and that where the child was but fourteen when he applied for it. The problem of the child's occupation between the termination of his attendance at the school issuing the record and his application for a working certificate has not been sufficiently considered in Massachusetts. New York requires a certificate that the child has attended school for one full year just previous to his application for working papers; Massachusetts has quite neglected this precaution. As a consequence, I found twenty-one cases in Boston where, during 1907, certificates were issued to children on the basis of school records from two months to six years old.

Legal restrictions on the issue of certificates of literacy to children 16 to 18 are much less severe. The form is very simple, merely an attestation that the minor in question is literate. No proof of age further than the word of the minor is required. A test as to his education is usually made by asking him to write his name and address, and assigning him a few sentences in a Third Reader to read.

If a minor over 16 is refused a literacy certificate he is told that he must attend evening school, but one is sometimes inclined to wonder why lists of those to whom certificates have been refused are not kept in every office. Such a list would help to check up evening school attendance and compliance with the law. Something of the kind has voluntarily been done in several of our Massachusetts cities, by the issue of *certificates of illiteracy* (to coin a name for them). Malden, Waltham, Chicopee, Taunton have all adopted this plan. The principal argument for it is one of uniformity. If every working person under 18 is required to present some sort of employment certificate; advocates of this plan think the enforcement of literacy requirements would be much more effective. Such certificates require no additional form, as the words "can, cannot read and write English" may make one blank sufficient for both. Mr. Gray, superintendent in Chicopee, and Mr. Parkinson in Waltham consider that the system has advantages for both employer and employee. As the

employer expects to obtain a certificate from every minor, so the minor knows that he cannot go to work without one. Thus every minor must apply to the school authorities, and the chance of an illiterate escaping attendance at evening school is very much lessened.

Our present law attempts to secure lists of illiterates in another, and as it seems to me, far less effective way. It requires that employers of illiterate minors should send a list of them to the school authorities at the opening of evening schools; but the law is apparently almost never enforced. In Boston, during 1907, but *three* such lists were returned, comprising only a few names. This seems to be the usual practice in other cities and towns. Southbridge is an exception. There, the superintendent tells me, the lists are reliable. He knows the foreman of the mills who should send in lists, and if one fails to do so requests it personally. But in a larger place, such a course would be impossible. Even lists of business establishments are not kept in Massachusetts. A law of 1907 requires the registration of all places of business not conducted under the name of the owner, but that is all. In the absence of such information, it is impossible to be sure that the names of illiterate employees are sent to the schools. Indeed, the instance of Southbridge, which sends blanks every September to all foremen, is, so far as I know, unique.

One of the questions which seemingly should be answered by the school authorities on the basis of the certificates granted, is the number of children at work in that particular town or city. But this is true in surprisingly few instances. The law requires the preservation of duplicates of age and schooling certificates, so it is usually possible to find the number granted in a specified time by a mere matter of counting. Yet no record is made of the number in any school reports I have seen, and the only method of obtaining it has been by personal letters to each town, and, where a letter has received no attention, by a visit. No law requires duplicates of literacy certificates, and in most cases even the number is absolutely without record. This condition is well shown by the fact that only 31 of the 354 cities and towns of the state even made an estimate of the number of literacy certificates issued, although returns from 150 on age and schooling certificates

have been received. The proportion of age and schooling to literacy certificates granted in the individual towns is another matter of interest, and some figures on the subject may be pertinent.

City or Town (1907).	Age and Schooling Certificate.	Literacy Certificate.	City or Town (1907).	Age and Schooling Certificate.	Literacy Certificate.
Boston,	4,771	6,748	*Natick,*	14	59
Brockton,	390	500[1]	*No. Adams,*	378	5
Chicopee,	758	809	Northbridge,	79	6
Adams,	170	39	Pelham,	70	8
Fall River,	1,741	212	*Quincy,*	270	427
Fitchburg,	473	76	*Revere,*	74	84
Lawrence,	1,251	2,779	*Somerville,*	386	400[1]
Leominster,	201	50[1]	Southbridge,	79	25[1]
Lowell,	1,570	1,000[1]	*Springfield,*	692	918
Malden,	300	310	Waltham,	160	307
Marlboro,	180	100[1]	Winchester,	21	15
Medford,	65	100	Woburn,	70	101
Melrose,	44	27	*Worcester,*	1,325	612
				15,532	15,717

That is, in a list of twenty-six towns and cities in Massachusetts, including seventeen of the most populous, approximately the same number of children went to work at 14 and 15 years of age (an average of 7,700 for each age) as between 16 and 21 (an average of 3,200 for each age), a condition of affairs impossible on its very face.

These certificates, as above stated, are issued by the school authorities, or by a person authorized by them in writing. As the highest school authority in each town is the local school committee, we shall not expect to find great uniformity in issuing certificates, and it is just as well that we have no such expectations. The superintendents are usually delegated by the committee to take charge of the certificate system; and as they work in connection with the state board of education, some uniformity

[1] Estimate.

may thus arise. But here again, expectations will be disappointed. The state board issues a pamphlet of the laws relating to school matters, and this includes the child labor laws, but that is the extent of its unifying force. Everything else with regard to the method of issuing certificates is left to the discretion of the superintendent, and as a result, the methods are about as various as the number of towns in the state, and certainly as the number of superintendents.

Since it is not possible for the superintendents to issue all certificates personally, the duty is delegated to various officials in the different towns. These persons may be scheduled as follows:

Persons who issue Certificates.	Kind of City or Town.	Instances.
Member of school committee, . .	Country town (chiefly agricultural),	Acton. Boxboro.
	Small town, ...	Ware.
Superintendent of schools only, .	Small town, ...	Southbridge. Adams.
Superintendent of schools and truant officer.	Large town or small city, . .	Pittsfield. Everett.[1] Haverhill.[1] Newburyport.[1] Salem.
Truant officer only, ...	– – –	Malden.
Superintendent of schools and clerk, (Class a), ...	City or large town, . . .	Medford. Taunton. Waltham.
Clerk (Class a) only and truant officer,	Large city, ...	Northampton. Fall River. Newton. Salem. Somerville. Cambridge.
Clerk (Class b) only, ...	Large city, ...	Boston.

[1] During vacation.

Members of the school committee have retained the duty of issuing certificates in few of the Massachusetts towns, except where there is a district superintendent. In such instances, we have usually to do with an agricultural community, where few or no certificates are required. If, as in the case of Ware, it is a manufacturing town, we must look into the effectiveness of the system. Members of the school committee are not paid salaries, and the proper issuing of certificates for even three or four hundred children takes an enormous amount of time. We can hardly expect the satisfactory execution of this duty. But, on the other hand, members of the school committee are likely to be selected from the classes who are most interested in such matters. Yet, if there is a political interest in school matters, and apparently this is often so, disinterested care is not given; and we can feel no assurance that certificates are granted carefully by members of school committees.

Towns where certificates are issued by superintendents are, however, much more numerous; in fact, are most numerous of all. Towns of all sizes, and even some of the smaller cities, are included, although in the latter, it is true, the superintendent grants only a part of the whole number. Like the members of the school committee, there is some variation in the carefulness of superintendents. Usually the superintendent is interested in the children of his district, whether they are in school or at work. Usually, also, he knows the terms of the law. But this last is not always true. In several instances, I have found superintendents enforcing provisions of laws which had been radically changed some years ago. But usually, and most important of all, the superintendent is a man who deals with each case on its own merits; he does not form a few hard and fast rules and adhere to them rigidly, as does the irresponsible clerk. Elasticity of method is most necessary in dealing with such a question, and is one of the great advantages in the issue of certificates by the superintendents in person. We cannot expect the superintendent to take complete charge of the issue of certificates except in small towns. In the larger towns, he often grants a part of them, the rest falling upon the truant officer or a clerk; while in the large cities, all certificates are issued by one or other of his subordinates.

On the whole, the number of places delegating the issue of certificates to truant officers is small. Malden alone, to my knowledge, assigns the issue of *all* certificates to the truant officer. In Everett, the truant officer, at his own house, issues a part of the certificates in the evenings during the school year, as well as all those granted during the long vacation. Salem allows the truant officer to issue certificates whenever he is in the office. In very many towns, the truant officer issues certificates in the summer, when, for a few hours a week at his convenience, the office of the school department is open. Haverhill, Newburyport and Pittsfield are among the cities of this class.

Again we find wide variation in efficiency. Some truant officers seem as careful in issuing certificates as any of the superintendents, but this is not always the case. One of them has been unaware, until the present year, of the requirement that a duplicate of every age and schooling certificate be kept, a law which has been in force since before the last revision of the laws in 1902. Many other instances I have found of ignorance or misconception of the law. It simmers down to a question of what sort of men are the truant officers, and that again becomes a question of the pay offered for work which is by no means easy. In the manufacturing city of Haverhill where there are a large number of working children, and where the school population is nearly 8,000, a salary of $600 is paid. Adams, with a school population of 2,500, pays $200 per year. Webster, with over 2,000, pays but $50.[1] These instances are all mill or factory towns, where the number of working children is proportionately very large, and where truancy and illegal working are apt to be closely related. Such salaries are paid either for inferior men, or for part-time only, and, in the case of Webster, we should expect but a very small part. As a matter of fact, the truant officer in Adams is also deputy sheriff; in Webster, he is also town assessor. In these specific instances, except in Haverhill, the truant officer does not issue certificates, but salaries where they include that duty are not, as a rule, larger, except in Pittsfield.[2] We should

[1] Statements of salaries were obtained in all these instances from the truant officers. The school population here is reckoned on the population 5 to 15 years old.

[2] The salary there is $1,000, but it includes payment for the school census.

hardly then expect that truant officers, paid at such rates as I have cited, would be careful and efficient in the execution of a duty which requires so much intelligence and interest as does that of issuing certificates.

Superintendents' clerks, or the clerks of school committees, grant most of the papers in the large places, where the amount of child labor is greatest, and where it is most difficult to detect violations of the law. I have found the usual variation in efficiency among them, also. Some clerks I have found intelligent and interested in the children, others are interested only in getting through their work as quickly and easily as possible. In by far the largest number of towns where certificates are granted by clerks, the amount of work in the office has prohibited much time spent on certificates. It becomes a mere matter of routine; the proof of age easiest of access is invariably accepted, and no questions except in cases of glaring discrepancies are asked. The worst instances of such lack of care I have found where the clerk was a very young person of not more than 17 or 18 years, who had absolutely no understanding of the purpose of the regulations, or where a clerk of no more than common school education was unable to do anything but obey set rules in a mechanical fashion.

The failings and faults in the certificate issue are clearly due to a lack of interest and appreciation of the importance of this work on the part of the school authorities, both local and central. It is of course true that the school boards take a first interest in the purely educational part of their work, but the neglect and disregard of the child who goes to work is certainly not for the best interest of children generally. If the truant officers were officially instructed to carry out provisions of the child labor law as well as those of the school law, there might perhaps be more general interest in the issue of certificates. That method has, however, been tried, but not with good results. The truant officers, like other school officials, are too much concerned with the purely school laws to pay strict enough attention to the working children. The system of removing the charge of certificates entirely from school authorities and placing it in the hands of health boards has been tried in New York. The advantages of this method

do not seem great. All the necessary questions about the child when going to work are answered from the school records, and it is to be supposed that we shall find more interest in children with the school boards than in local boards of health. Moreover, such a procedure would not improve the greatest weakness of the present system — its lack of uniformity. The boards of health like the local school boards are purely local; nay, even more so, for the state board of education holds a much closer connection with the local schools than does the state board of health. If the state board of education were to take a real interest in the question of adequate and efficient issue of certificates, commending the law in all its phases to the attention of the district and city superintendents each year, making definite regulations where the law is deficient, furnishing a general form for age and schooling certificates and for those of literacy or illiteracy, requiring an annual report of the number of both kinds issued, there can be no doubt at all that matters would be vastly improved.

At this place it might be well to show some of the more approved methods of taking and keeping records of duplicate certificates used through the state. In one of the large manufacturing cities, the following system was used both for the age and schooling and for the literacy (and illiteracy) certificates; certificates, exactly alike were printed page by page with a row of perforations between. When both were made out and signed, the outer one was torn off, leaving the inner one as a permanent record in the office. These pages were bound into long books, not unlike large check books. When all the certificates in a book were issued, that part of the cover projecting over the certificates issued was cut off, leaving the duplicates firmly bound and easily accessible for reference. Another method with certain additional advantages for accessibility was that used in Waltham, where card catalogues were made of the duplicate certificates. Since the form was similar to the original, the employers could easily make a similar catalogue which could be kept up to date and always accessible. In both of these instances, two forms were used, an age and schooling certificate, and another which served equally well for a certificate of literacy or illiteracy for those over 16. By keeping these in three separate files, subdividing those for

illiterates over and under sixteen, the attendance officers could easily keep track of all illiterate minors who should be in evening school. Moreover, since every minor under 18 was obliged to produce some sort of certificate, the employers could know more readily just how many notices of evening school attendance should be expected each week. A further improvement of the present form of certificate would include a genuine signature of the child to whom it is issued.[1] This would form a ready identification of the original holder of the certificate at any time, and would make impossible their transfer which certainly sometimes occurs. A similar identification used in the newsboys' licenses in Boston has been very successful.

PROOF OF AGE.

The working certificate is *prima facie* evidence that the law has been complied with; that the child is of the legal age for working, that he has obtained the required amount of education and that his health is adequate for work to be entered. The factory inspectors may not go behind the working certificate, nor may an employer be held liable for hiring under-age children, if the latter have the necessary papers. Under these conditions, it becomes essential that the age and schooling certificate be issued with the utmost care, that both education and age be absolutely proved.

The educational requirements in Massachusetts are very simple. A few years ago, the law demanded only that a working child should be able to read and write. Variations of interpretation were the usual thing. One person called a child literate if he could with difficulty write his own name; another demanded the reading of rather difficult prose; a third issued a certificate to a child of foreign birth who could read only his native tongue. To get rid of this variation of administration, the present law was enacted, requiring that every child holding a certificate must be able to read and write English sufficient for admission to the fourth year of the public schools.

Evidence that a child has obtained this minimum of education is not difficult to secure. A school record from the school last

[1] This system has now been adopted in Boston.

attended is issued to every child who wishes to go to work. This states the grade in school which he has reached, and his age and birthplace according to the entry in the school register. The record's evidence as to a child's educational attainments is usually incontestable. The only cases where there may be doubt are those in which the child was in the second, third or fourth grade. In such instances a simple test at the school office, by assigning him a passage in a Third Reader and a few of the simplest sentences for dictation, readily shows his fitness for the certificate.

In the matter of proof of age, such an easy test is not possible. Yet we know that a law is only as strong as its weakest link. If the child's age is not definitely proved, if absolute proof is not always required, the few cases where a child slightly under fourteen will slip into the working world, will soon be enlarged to include more and more numerous cases. But the problem of securing absolute proof is by no means a simple one. Our Massachusetts law says, that proof of age shall consist of birth or baptismal records; or, where such evidence cannot be obtained in the opinion of the issuing officer, other evidence on oath may be accepted. The issuing officer is thus made judge of whether or not records of birth or baptism may be obtained, and in case he decides that they cannot, of what proof he will accept, but no instructions or information are furnished him to show the relative values of the various kinds of evidence.

Birth certificates, being official, are usually to be depended upon. From some parts of this country adequate information of birth can be procured, from others birth-registration is only spasmodic. From England, France and Germany birth records can usually be obtained, and often from other countries of Western Europe. Canada seems to be especially lax in this respect, at least no law requiring registration of births existed in Nova Scotia until 1908. From Russia, birth certificates will sometimes come, especially from the larger places; the same is true of Greece. Turkey offers us few chances of official evidence of age, although there are some religious records. Yet New York has obtained birth certificates as proof of age in the case of 70 per cent of the applicants for working papers. The matter cannot be as discouraging as we are often brought to think; and I wish to call

the attention of those interested in the matter to this percentage. Massachusetts falls far short of it.

Our Massachusetts law places the evidence of a baptismal record on an equality with birth records. But baptismal records vary largely. While in Roman Catholic countries they have almost the official sanction of a birth record, in others they may have little or no real verity. Even in Protestant countries, Roman Catholic baptismal certificates can usually be obtained; and they are good evidence of age. The Protestant certificates, on the other hand, may or may not be good. Where a child is baptized at ten or twelve years, or just before the application for an age and schooling certificate, we naturally feel some doubt as to its value as proof. Recently I saw a baptismal record issued by an Armenian priest in Boston to a child of that nationality. He said that he had baptized the child in Armenia fourteen years ago. He must have had a marvelous memory; and we can hardly accept such evidence as absolute. We may ask ourselves how much dependence we can lay on records which will include such instances. Yet baptismal records are a legal proof of age in Massachusetts, and in fact are among the best which are offered us.

Although birth and baptismal records only are mentioned in the Massachusetts law, passports are accepted now in Boston and a few other places, as of equal weight with those records specifically enumerated in the law. New York especially mentions the passport as a proof of age, therefore, it will be as well to examine into its quality here. There are two kinds of passports; and one of them is as reliable as a birth record, the other has no value whatever as evidence. Passports issued by the government to the emigrant, stamped with the official seal, and based upon authentic documentary evidence (probably from a birth certificate), are as good proof as one can ask. A passport issued by the steamship company, or a record in the immigration reports has no value at all. It is based upon the statement of the parent or even of the child; and in the case of the immigration record, the inspectors are not allowed to go against the statement even although it is evidently false. The age in such a record may be falsely understated, in order to obtain a lower rate of fare, or

it may be overstated from ignorance or cupidity. Under such conditions, it is essential that the issuing officer understand the difference in the kinds of passports, if he is to admit them at all. Yet I have found but one person in the state who understood the difference, and he is in a position which has little to do with granting the certificates for working.

Before considering the specific kinds of proof accepted in Massachusetts, it may be worth our while to note evidence which New York has accepted, conditions in that city being very carefully regulated, and, as it appears, under an excellent system. In addition to birth and baptismal records and passports, New York has a regular list of proofs which may be accepted, but only in a definite order. Among these are entries on hospital or charitable organization records of dates at least two years before the application for a certificate, a printed and dated birth notice in a local newspaper, a contemporary unerased entry in a family Bible; and, in the case of Jewish boys, a confirmation or other religious record. Some or all of these have been used in different parts of Massachusetts, but it is doubtful whether they have all been brought to the attention of the school authorities as alternatives when regular means of proof fail. In addition to all these, and when none of them can be obtained, New York requires a school physician's certificate of the child's physical development, based upon the independent statement of two out of three doctors, regard being paid to his nationality, if foreign born. Since such a certificate is never issued until three months after the application is filed, it is often found that an entirely forgotten evidence of age is thought of, sometimes a birth record is produced.

There is no such regularity in the method of proceeding in Massachusetts, indeed I have doubts whether it exists in the smaller New York towns. There are, however, a number of things on which the school authorities in charge of granting certificates seem almost agreed. The school record, already mentioned, is proof of fulfillment of the educational requirements of the law. This record, moreover, states the child's age and birthplace according to the school register, and has presumably not been changed since the child's first entry in the town schools.

What more natural, then, than that the school authorities should wish to accept this as the best evidence of age as well as of education? That this is not good evidence, a cursory examination of the facts will bear out. As a rule, the age on the school register is that given by the child when he first entered the public schools. In the case of five-year-old children, reference in doubtful cases is made to the parent, by requesting a note stating the exact day of birth. The state board of education admonishes the school officers to make no change in this original record except on presentation of a birth certificate or some other incontestable evidence. Thus the age recorded at the first entrance to the schools is repeated year after year, and, provided the child does not move out of the same town, shows a presumably true record. The loopholes in this procedure are obvious; the child or even the parent may make a misstatement, purposely or not. In the case of American-born children, mistakes might seem to be rare. There are few primary teachers, however, who are unable to cite instances where the mother of some child has tried to place him in school before legally entitled to go. It is thought an advantage to have the child in school, and get him out of his busy mother's way for a few hours each day. Personally I knew a country family whose four children entered school at about four, the mother stating that each was five, and there being no way to prove her wrong, although the case was well-known. In this instance, there was no thought of putting the children to work prematurely, only of getting them out of the way for a short time. Yet cases where both ideas worked together, the mother getting rid of the trouble of the child, and at the same time making provision for his leaving school early, have been known. The statement of age, even in the case of American children, seems open to doubt.

Far more likely than in the case of American children, however, is the misstatement of age in regard to the foreign born. Yet the foreign-born child, and the child of foreign parents, forms a large factor of our problem. Children of such parentage may be entered on the register incorrectly through their own or their parents' ignorance or avarice. It is not enough to say that ignorance on the part of parents will make requisite foresight

unnecessary. News of the American labor laws is easily carried to foreign countries by returning immigrants. One of the immigration officers in Boston stated that when a law had changed requiring that children entering the port unaccompanied must be at least 16, that very week it was noticeable that all children entering were 16 according to their declarations, although previously children entering of similar appearance had varied between 10 and 16. News of the passage of the law had evidently made its way to foreign countries, even before it had gone into effect.

Another evidence of age, favored by the school authorities of many towns, but not mentioned in the law, is that of the school census. After our previous discussion of the value of school census statistics, it is not surprising that we place little dependence upon its evidence. As, indeed, why should we? Taken by question at the homes, by enumerators engaged to do that specific work, and practically always underpaid, it would be wonderful if these records were satisfactory. Yet they are accepted as absolute evidence according to the school offices of cities such as Springfield, and until recently in Fall River, where one of the largest working-child populations of the state exists.

Another frequently used proof is that of a parent's oath before a notary, an affidavit. This has been rare in Boston, except where the parent's statement of the child's age has differed from that given in a school record, or other semi-official document. Its value, of course, is very slight and it has now been excluded in all of the leading states, although a false oath could be treated as perjury. An original record in a family Bible, the unsupported word of a parent, the personal opinion of the issuing officer, have all been used at times and in certain parts of the state for evidence of age. None of these last are common, however, or in general use unless no other record can be found.

A mere enumeration of the various kinds of proof accepted in parts of the Commonwealth gives us little information unless we know the comparative frequency with which they have been resorted to. For this reason, and to get a thorough understanding of the working of the present law and its administration, a study of all the systems in the state would be necessary, but would consume an enormous amount of time. It, therefore, seemed

advisable to study the systems used in several of the large towns, and then by means of circular letters to all the towns, gain some additional information from those places which were not personally visited. Boston, from a point of view of convenience, and also because its number of working children is the largest in the state, was my starting point. I have gone over every certificate issued in Boston for more than two years, those of the calendar year 1907, and the year last past, from June 1, 1909, to June 1, 1910. Some comparisons between the two years are possible, but a complete change in the methods of proof, and in keeping record of the evidence offered, make the two years very different.

For the year 1907 the system of granting certificates in Boston was certainly the best in the state. All duplicates of certificates were numbered and filed away for two years for reference. All proofs of age offered by the applicant were attached to this duplicate; and as a consequence their classification was easy. Nowhere else in the state have I found a system of preserving proofs as good as that used in Boston, at that time; the methods of most towns being decidedly slipshod, as indeed are those of Boston at the present time.

The result of the study for the calendar year 1907 follows:

Total number of age and schooling certificates issued,			4,856,	100 per cent.
Statement of age by Boston schools (public),			3,899,	80.29 per cent.
	(private),		602,	12.39 per cent.
Birth certificates, Boston,			270,	5.56 per cent.
" " Other U. S.,			43,	0.88 per cent.
" " Foreign,			10,	0.21 per cent.
Baptismal records, Boston,	Catholic,	13,	24,	0.49 per cent.
" " Other U. S.,	Catholic,	7,		
" " Foreign,	Catholic,	4,		
" " Boston,	Protestant,	1,	3,	0.06 per cent.
" " Other U. S.,	Protestant,	1,		
" " Foreign,	Protestant,	1,		
Oath of parent or relative before notary public,			16,	0.33 per cent.

Since, in addition to the formal proof of age, the Boston authorities demand an oath from the parent or other guardian who ac-

companies the child, we have also this additional table, whose figures likewise include the whole number of certificates granted.

Total number of certificates,	4,856,	100 per cent.
Oath of parent as to child's age,	4,484,	92.34 per cent.
Oath of other relatives, guardians, etc., including the child's oath in several cases where there was a birth certificate,	372,	7.66 per cent.

Making every allowance, apparently, we had a proof of age in 92 per cent of the total number of certificates through the school record of age; and through the oath of the parent as to the child's age.

If we turn back to the law we shall see that the school record is not enumerated there as proof of age. Birth and baptismal records only are mentioned, although the law permitting "other evidence on oath" might be claimed as satisfied by an oath of a parent before a notary (an affidavit). It must be noted that evidence from the school registers was accepted as legal proof of age in 1902 and in 1904;[1] but was omitted from the amendment of 1905, not inadvertently.

By combining the elements of the Table No. 1, then, and comparing the proofs of age actually accepted with those enumerated in the law, we obtain the following surprising results:

Total number of certificates granted,	4,856,	100 per cent.
Granted on presentation of *legal* documentary evidence,	366,	7.52 per cent.
Granted *without* legal proof of age,	4,490,	92.48 per cent.

The statement of age by the school record is by far the most important, and upon its value depends the adequacy of the 92 per cent of the certificates. To ascertain that value, letters were written to all masters of grammar schools in Boston, asking for the source of knowledge of the child's age inserted in the record.

There are in Boston 66 grammar schools from which children may go to work; and of these, 42 or 61 per cent answered my inquiry. The results seem broad enough to admit of general

[1] Revised Laws of Massachusetts, 1904, 106, No. 31.

application, and the probability that conditions in the other schools are different is very slight. Of these 42 schools, 41 stated that the age record depended upon the statement of the parent or child when the latter was first placed in school, one school stated that a Boston birth certificate was required. In exceptional or doubtful cases reference is made to

Boston birth certificates,	28	schools.
Boston baptismal certificates,	17	"
Foreign birth certificates,	4	"
Foreign baptismal certificates,	9	"
Passport,	1	"
Oath of parent before notary,	1	"

Four of the 42 schools stated that no change was made in the original entry except on production of documentary proof of age. It seems probable that the number requiring such proof before a change is made in this entry is even larger than the replies indicate, for the state board of education instructs all school officers to require proof before changing such a record.

Summing up all of this, we came to the conclusion that proof of age in Boston depended upon:

First. The statement of the parent when a child is first placed in school.

Second. The informal oath of the parent when a working certificate is desired.

How little value can be placed upon the mother's oath in this respect is notorious among social workers;[1] and it is usually the mother who accompanies the child to school when he obtains his certificate. An oath attested before a notary public might have more weight, but is seldom resorted to except where the school records and the parent's word disagree, in which case the authorities issuing the certificate may decide to accept an oath.[2] An experience of my own will perhaps illustrate the lack of dependence which can be placed upon a parent's word and oath better than any general statement. It was in the case of John

[1] See Hull House Pamphlets on *Children at Work*, and *Children in the Street Trades*.

[2] It is an interesting thing that in seven out of the sixteen cases where such an oath was accepted in Boston in 1907, one notary acted, a certain Hyman E. Slobodkin. All of these cases were those of Russian or Polish Jews.

A——, a messenger boy employed by the Western Union Telegraph Company. He was small, and apparently not more than twelve years old at the utmost; so when he came into the Women's Educational and Industrial Union to deliver a telegram he was questioned. He stated that his name was John A——, that he was fourteen the previous March (this was in July), when he had left school to go to work; that he had last attended a parochial school in East Boston. Upon going to the Boston School Committee I could find no trace of a certificate granted to the boy, and a visit to the school resulted in the information that no such boy had been there during the last year. Then I went to the main office of the Western Union, and after some discussion obtained a view of the boy's certificate, which had been issued in Somerville. In Somerville the certificate stated that the boy's mother accompanied him. He presented a transfer from the East Boston parochial school. His mother stated that the boy was fourteen the previous July (the certificate was issued in March); that he was born in Halifax, and so no birth certificate could be obtained. The certificate was issued on the strength of her oath. A second visit to the East Boston school was more successful than the first. One of the brotherhood was found who remembered that the boy had been in the school less than two months. On looking up the register, it was learned that the boy's mother said he was born in East Boston, but had last been in school at a Catholic orphanage in Nova Scotia, and that he was thirteen the previous July (just one year younger than she subsequently swore at the Somerville school office when obtaining his certificate). A letter to the town clerk in Halifax elicited the information that no registry of births is kept there, and another letter to the Catholic orphanage was never answered. It was practically certain, on the mother's own statement to the authorities in the parochial school, that the child was only thirteen years and seven months old when the certificate was obtained. Where he was born was never learned. During this investigation, however, his fourteenth birthday, according to his mother's statement to the school, had already arrived; and as no other evidence of age seemed available, nothing could be done.

When the method of administering the law in Boston was under-

stood, a copy of the foregoing figures and conclusions sent to the Boston School Committee was immediately productive of results. The system was changed, in so far as to require birth or baptismal records instead of those from the schools as the ordinary proof of age. But at the same time, the system of records was altered, unfortunately. It is not now customary to make record of the evidence offered except occasionally. Therefore, the examination of the Boston records for the last year has been far less productive of information. The following is the result of the examination of the certificates for the year from June 1, 1909, to June 1, 1910:

Total number of certificates issued,		4,938,	100 per cent.
Birth certificates,	Boston, 744 U. S., 137 Foreign, 44	925,	18.7 per cent.
Baptismal records,	U. S., 132 Foreign, 23	155,	3.1 per cent.
Passports,		30,	0.6 per cent.
Jewish records, chiefly from Russia,		102,	2.1 per cent.
Statement, "No Birth Record Obtainable,"		71,	1.4 per cent.
Miscellaneous,		5,	0.1 per cent.
No information recorded as to proof of age,		3,690,	74.0 per cent.

From conversation with the issuing officer, I at first understood in the 74 per cent of cases where "no information" was given, that a birth or baptismal certificate had been produced as evidence of age. On examination of these certificates, however, I found among them certificates of children born in Southern Italy, in Turkey, even in Adana in Syria, from which no certificates could possibly be obtained. Likewise there were certificates from Nova Scotia, whose law requiring birth registration did not go into effect until 1908. Upon inquiry, I was told that the office understood that where birth certificates for children could not be obtained, no more proof was necessary. Yet such cases include many children from Russia, from Southern Italy, from Greece, from Turkey, where the percentage of illiteracy is especially great, and with whose emigrants special care is necessary. Moreover, there seems some doubt as to the accuracy of birth-

place. For instance, in twenty-five cases a child born in Boston was not recorded as born there. Of course it is possible that there are sometimes omissions in the Boston register of births; yet it is admitted as one of the best systems in the whole country, and it seems more probable that some at least of these children were not born in Boston, than that the records are so often at fault. Where no other proof of age is required but a statement that a birth is or is not recorded in Boston, a premium seems placed on claiming birth there.

The change in system convinced Boston that it was following an obsolete law but it did not result in efficient administration of the law, especially in the exceptional cases, which are always the dangerous ones. One advantage the new system has. Oversight of all Jewish and of most of the Russian-born children has been placed in the hands of a countryman of theirs; and the administration of that part of the certificates included under the head of Jewish records, is doubtless the best there is. If we could feel as sure of the other 98 per cent as of that 2 per cent, the Boston administration of the law would be admirable.

Other Massachusetts cities show conditions varying only slightly from these, and with variations not in the line of more adequate administration. Questions in my circular letters to the towns included several on the proofs of age required when granting certificates, and where personal visits were made to the towns these questions were always asked. Outside of Boston, unfortunately, records of the specific proofs produced are seldom noted, and it was necessary to depend upon the general impressions of the issuing officers. In one or two cities, however, birth records were noted, but these were rarely used, and form an exceptional means of proof, not a general one. In these ways, data have been obtained from somewhat less than one third of the towns of the Commonwealth, representing 75 per cent of the population and including most of the manufacturing towns and all the cities but two.[1]

[1] Northampton and Gloucester.

PROOFS OF AGE REQUIRED FOR AGE AND SCHOOLING CERTIFICATES IN MASSACHUSETTS.

	First Choice.		Second Choice.	
	No. Towns.	Per Cent.	No. Towns.	Per Cent.
School record of age,	55	56	1	4.5
School census,	18	19	3	13
Birth certificate,[1] / Baptismal certificate,[1]	13	13	18	78
Oath of parent before justice of peace,	1	1	1	4.5
Unsupported word of parent or child,	9	9	-	-
Passport,	-	-	-	-
Record of family Bible,	-	-	-	-
Opinion of issuing officer,	2	2	-	-
Total,	98	100	23	-

By comparison of this table with that showing the proofs of age actually used in Boston, the similarity of conditions is apparent. With the addition of the school census whose records are refused as proof in Boston, and the "unsupported word of parent of child," the very order of frequency of methods of proof are the same in both instances.

The school census is the ordinary proof used in many of the largest manufacturing towns, — Fall River, Taunton, Malden, Pittsfield, Everett, Fitchburg, Haverhill, Holyoke and others. The inadequacy of the school census, owing to the fact that the various towns try to outdo each other in getting it done cheaply regardless of the accuracy of its results, makes our confidence in such evidence of age very slight.

This study of the conditions of administering the certificate law in Massachusetts has been carefully made. Conditions throughout the state do not vary greatly, and are almost uniformly deplorable. The underlying reason for the generally prevalent inefficiency of administration seems to be in the inability of the school authorities to handle information collected by other de-

[1] These duplicated except in one case.

partments. As far as the educational requirements go, I have found no reason to criticise the efficiency of administration. If the school record were as incontestable in its statement of the child's age as in its evidence of his literacy, certificates would be issued only to those competent to receive them. It is also noted that in almost every office there is a desire to use school material in proof of age, either the school record or the school census. The fault seems not to lie in the use of such material, but in the character of the material as at present found.

Can the school record be made an adequate evidence of the child's age, or the school census? During the last year Boston has begun to require the production of a birth certificate as preliminary to enrollment of the child just entering school. The same thing is done in Germany, and in other parts of Europe, and successfully. Why not in America? Of course this entails some additional work for the primary teachers in securing the certificates, but it may be extended through a year, and need not be burdensome. The chief objection to it lies in the fact that birth certificates cannot always be obtained. If constantly demanded, however, the efficiency of birth registration is bound to improve, and there is no reason why some alternative means of proof might not be allowed in this case as in that of the fourteen-year-old working child. A further objection that by this proposition birth certificates would be required for *all* children, those who would not go to work at fourteen as well as those who would, has some weight, but is not sufficient to invalidate the suggestion. We are endeavoring to protect a class of children. Those who continue in school until they are sixteen are already protected by their home surroundings. There can be no real objection to having their ages officially recorded; while there is decided reason why we should know exactly the ages of the unprotected ones. Boston's law has been in effect too short a time for examination at this time, but if it proves feasible, its extension to the whole state by state law would be desirable.

Violations and Enforcement of the Law.

Adequate enforcement of the child labor law obviously rests back upon the validity of the certificate. But even if we assume

that the greater part of the certificates are justified, there is still reason to believe that the child labor laws are frequently violated. The field is large, we have already seen that we do not know how large; and the responsibility is divided.

Authorities responsible for the administration of the law are:

1. The local school authorities, who issue certificates of age and schooling and of literacy. Their agent, the truant officers, *may* enter factories and other establishments to inspect for violation of the school law. This privilege is permissive, it should be noted, not mandatory.

2. The factory inspection department of the district police, which has the general duty of enforcing all labor laws, and has charge of the enforcement of all the general regulations referring to child labor except that of issuing certificates.

3. The state board of health, who enforce most of the sanitary laws, those special laws relating to the employment of children in dangerous trades and under general unsanitary surroundings, and report upon the health of minors.

4. The local police are frequently given oversight of newsboys. Children working in saloons would also come under their jurisdiction.

Of these various bodies, however, only the factory inspectors and the state board of health make regular trips of inspection. Although the part of the school authorities is of the utmost importance, it is more or less a passive one. The children go to the schools for their certificates; it is not necessary for the schools to seek them out. Truant officers may inspect factories and workshops, and are entitled to carry cases of violations to court, but the duty is not obligatory.

The state board of health has a corps of fifteen inspectors, who make inspections in the state. With the exception of the laws referring to dangerous trades and to reporting upon the health of minors, however, their work does not apply specifically to children.

Upon the factory inspectors falls the main responsibility for the administration of the child labor law, and it is to their part in the enforcement of the law that we shall now turn.

The Massachusetts district police is organized into supposedly

distinct and separate departments, the detective and fire inspection department and the inspection department both being at the same time under one chief. The inspection department comprises three sections: the building, factory, and boiler inspectors, although the factory inspectors may be detailed for special detective work in the other department. The labor laws are in charge of the inspection department alone; and only the factory inspectors have oversight of the child labor laws.

There are fifteen factory inspectors, two of them being women assigned to special duties. The factory inspectors must enforce the laws for the protection of life and limb, for regulating the payment of wages, for hours of labor, and they must see that no children are at work without certificates. Besides this, they must investigate and report on all complaints of violations of the labor laws. Following is an abstract from the report of the department for 1909, showing the various activities of the building and factory inspectors:

	Building Inspectors.	Factory Inspectors.
Totals, —		
Establishments visited,	6,877	7,154
Inspections made,	4,225	10,468
Elevators inspected,	20	1,607
Buildings, —		
Plans received,	609	8
Changes made,	388	0
Certificates for buildings issued,	1,137	142
Moving pictures, —		
Booths inspected,	19	148
Booths approved,	19	138
Machines inspected,	35	185
Machines approved,	35	164
Operators examined,	20	1,187
Operators licensed,	19	324
Operators' licenses renewed,	18	239
Children found at work, 14 to 16,	11	17,981
Cases and complaints investigated,	165	728

Yet the various activities represented by this table may not comprise all the duties of the factory inspectors. They may also be detailed for detective work. From the table, however, we see that the factory inspectors have charge of all the inspections of elevators, of nearly all the moving picture machines and their operators, in addition to their duties respecting the general labor laws of which the child labor forms a part only. Among these labor laws, moreover, are many regulations about the safety devices for machinery which require mechanical knowledge and a sharp observation. It is hardly to be wondered at that some part of their multifarious duties are, if not slighted, somewhat overlooked. Inspectors are assigned to definite parts of the nine districts into which the state is divided for the purpose. Besides, there are two women assigned to special duties over the whole state; one inspects mercantile establishments and workshops where women and children are largely employed; the other woman has likewise a special duty, inspecting for violations of wage schedules in textile factories. Other members of the staff have a certain territory assigned to them, and this they are supposed to cover by visits to each establishment at least once a year.

According to the reports of the district police, the number of establishments visited and of inspections made during the last three years were as follows:

Year.	Inspections.	No. Establishments visited.	Total for Year.	No. Inspections made.	Total for Year.
1905	Factory, ...	–	–	9,699	–
	Tenement manufactories, . .	1,059	–	847	10,547
1906	Factory, ...	8,553	–	9,291	–
	Tenement manufactories, . .	2,169	10,722	2,154	11,445
1907	Factory,[1]	–	10,407	–	9,683
1908	Factory, ...	–	7,154	–	8,845
1909	Factory, ...	–	8,180	–	10,468

[1] The inspection of tenement manufactories was transferred to the state board of health on July 1, 1907; so no figures for 1907 are given in the district police report.

It is clear that the usual number of establishments visited, or of inspections made, is not far from 10,000 a year. Now let us look at the number of such establishments in the state. From the terms of the law, factories, workshops, mercantile establishments (including stores, restaurants, and hotels) and mechanical establishments, are subject to inspection. From the 1905 census we get the following figures:

Number manufacturing establishments with factory product of not less than $500 per annum,	10,723
Omitted establishments: Tenement manufactories, hand trades, carpentry, millinery, dressmaking, etc., estimated by Massachusetts labor bureau,	15,000
Mercantile establishments,	22,045
Hotels (1906 Red Book),	618
Employment agencies,	323
Telephone and telegraph offices (1906 Tel. & Tel.),	246
Estimate total establishments subject to inspection,	55,955[1]

From which it is obvious that a very large number of establishments, quite 82 per cent of the whole number, are not inspected each year. As a matter of fact, it seems clear, from conversations with members of the district police and others, that the most important and largest organizations are visited every year, so that many establishments are perhaps not visited at all. In any event, it would take the present force five years to visit all places of employment under their care.

In addition, it may be of interest to consider that fifteen inspectors[2] to 55,000 places to be inspected, means that each officer should be able to inspect 3,667 establishments per year, or some 15 establishments per day.[3] This means that the inspection of no place of business could take more than twenty-seven minutes. Yet some houses employ thousands of hands, and occupy acres of

[1] This estimate was made by Miss Caroline Manning, Research Fellow, Women's Educational and Industrial Union, 1905–1907.

[2] Considering the regular factory inspectors.

[3] Based on the number of working days per year, omitting Sundays, legal holidays, fourteen days' vacation, and Saturday half day, which is spent in office work.

floor space. I have been told that it takes the inspector from three days to a week in some of the largest factories, especially when the children employed are called up and their schooling certificates are examined.

Even in the instance of an establishment inspected every year, the lapse of time before complying with the law may be considerable. The following hypothetical case will illustrate: A opens a workshop, employing women and children, one month after the visit of the district police to that vicinity, and so he is in business for eleven months before an inspection is made. After that eleven months, the district police inspect the place and find no time schedule posted. A is instructed to post one. After the lapse of another twelve months another inspection finds still no schedule posted. On inquiry, the schedule ordered a year before is found in a closet, and still blank. The inspector orders the schedule filled out and posted at once. He will probably come back again in a few weeks to see that his directions are obeyed, as this has been a flagrant violation of orders. But even so, the business has now been established twenty-five months, practically two years, before the requirement of the labor law as to hours is complied with. Every part of this illustration has been compiled from actual circumstances. The only thing which would make such an instance impossible would be the requirement of a license or at least registration for all business establishments. The latter is now done in England and appears feasible.

The evident fact that there are *nearly twice* as many young workers between 14 and 16 as are reported by the district police in any recent year, shows that they cannot cover the field. So also does the fact that less than one fifth of the total number of establishments subject to inspection are visited in any one year. The results of the investigation of immigrant women brought to light by the Inter-Municipal Research Committee confirms these facts. From this investigation we learn that approximately one third of the girls between 11 and 16 years of age, of non-English-speaking races, were found violating school and labor laws; and one third of those 16 to 21 years of age. The per cents of the total foreign children found violating these laws were: 11 to 16 years,

27 per cent; 16 to 21 years, 15 per cent. Although these per cents are drawn from but few cases, only 224, the figures call for careful consideration. The method of investigation was unusually favorable for the collection of accurate, comprehensive data. Names and addresses of women and girls who entered Boston the previous year, by steerage and second cabin, were copied from the immigration bureau records. Native investigators traced 500 of them after an average residence of thirteen months in the United States, and reported, among other facts, on their age, literacy, English speech, school attendance, and work. Whenever it appeared that school and work laws were being violated, Miss Manning, who had then already had a year's experience investigating violations of the labor laws verified the preliminary report. The general methods she employed were: Examination of immigration records, working certificates, and school census list, visits to the girl, her relatives, or friends, in company with the native investigator, — according to the demands of each case. These various checks on accuracy should enable us to rely on the disquieting facts finally reported, startling as they are.

If, consequently, it seems quite impossible for the district police with their present force, adequately to inspect for labor law violations, one other method of securing enforcement remains. By the vigorous prosecution of offenders, it might be possible to secure adhesion to the requirements of the law. This is not done in Massachusetts. Only three employers were made public examples for violating age and schooling laws in 1905 and twenty-nine in 1906. Since 1907 the prosecutions have not been reported in detail, and but few appeals to the courts were made, although the number of violations found were never less than 3,000.[1]

The following table shows the ratio of prosecutions to violations discovered, and the amount of the resulting fines:

[1] This is taken from the number of orders issued, both written and verbal, by the district police as given in their report for 1907, p. 59.

Year.	No. Orders Issued.[1]	No. Prosecutions.	Total Fines.
1905, ...	3,017	15	$302.00
1906, ...	3,887	49	595.00
1907, ...	3,318	40	782.78
1908, ...	3,406	22	365.00
1909, ...	4,395	68	1,892.70

In 1906, the maximum fine was $50, exacted three times; the minimum was $1, exacted six times. The maximum fine in 1907 and 1908 is not specified in the report, although $100 was exacted at least once in 1907. The maximum fine that could be exacted is $300. The ratio of 2 prosecutions to 100 violations discovered, and the smallness of the fines imposed even where the prosecution has been successful, reveal a real reason why employers pay little respect to the law, unless its claims are urged upon them.

It must not be thought, however, that the present situation is due entirely to laxity of the factory inspectors. They are not instructed to prosecute for every violation discovered. Indeed, my own experience in inspecting for labor law violations throughout the buildings of the Women's Educational and Industrial Union has revealed the difficulty of avoiding violations in an active business concern. My experience there has shown, nevertheless, that it is possible to minimize the number of violations, and if employers generally understood that prosecutions would result if laws were evaded, their efforts could bring about a greater respect for the instructions of the law, and not a dependence on the district police for information of violations.

Yet, although the number of prosecutions is clearly too small to effect the purpose of the law, another factor makes the success of a prosecution of little real significance. In 1905, five cases were placed on file, after the defendant had pleaded guilty; two cases were appealed, and filed in the superior court; two others were dismissed as the defendant, evidently a company foreman, could not be held on the complaint; this latter, although full charge of

[1] Orders issued by inspectors when violations were found. In the reports, these are separated into orders written and orders verbal, but for this purpose they have been combined.

the employment of operatives is placed in the hands of foremen in many of the large concerns. In 1906, ten cases were filed, and one was "continued from day to day." The amounts of the various fines[1] were not large enough seriously to inconvenience those guilty of illegal employment; and the imposition of a fine of one dollar speaks of little regard for the spirit and purpose of the law. Since 1907 the reports do not specify the prosecutions in detail, and from the tabular views little information except as to totals can be seen. In 1907 only three cases are specified as placed on file, and one instance of the exaction of a $100 fine, yet the amount of the fines shows an increase over that for the previous year, while the number of prosecutions is slightly smaller. However, the figures for 1907 and 1909 do not show continued betterment.

The reports of the factory inspectors show how inadequate their inspection of the state must be. But with regard to the other officials upon whom some part of the enforcement is laid, we have little or no accurate data. Truant officers are given permissive power to enter places of employment to search for violations of the school laws, but their other duties require most of their time. The factory inspectors of the state board of health have small part in enforcing the child labor law. The remaining authority charged with enforcement of any child labor laws is the local police. Here again the power of enforcement is permissive rather than mandatory. According to a Boston official, any complaint of the employment of children in breweries or saloons would be referred to the licensing board, and as such would be noted by the local police. Of course both truant officers and factory inspectors would doubtless take cognizance of such violations also; evidently the part of the local police in executing child labor laws is a very small one.

By inference from what has gone before, there are two or three obvious weaknesses in the child labor law as regards its enforcement. In the first place, we do not know how many places should be inspected each year. Miss Manning's estimate of 55,000 is admittedly vague, but obviously nearer the truth than the 10,000 reported as inspected annually by the district police. It may be

[1] In 1906, $1, 6; $5, 5; $10, 4; $20, 9; $25, 6; $50, 3. See district police report for 1906, pp. 74–77.

and probably is true that the omitted establishments are smaller than those inspected, but that is no guaranty that there are fewer violations of the law in them. The contrary has usually proved true. Registration of all places of employment would place responsibility upon the shoulders of the employer. In England it has proved effective, why not in Massachusetts?

Whether the number be known or not, however, fifteen factory inspectors are plainly too few to keep inspection close enough to insure obedience to the law. There remains only the fear of prosecution if violations are found. Yet the chance of prosecutions, even where violations are found, is clearly a small one. Hardly more than one per cent were prosecuted, and of those the results certainly do not discourage violators. If convicted, minimum fines are common, and many cases are placed on file.

Children in the Street Trades.

The street trades, so called, including the selling of newspapers and other articles on the street, and boot blacking, occupy a peculiar place in a consideration of the child labor law. About 10,000 children[1] are thus employed, and they are largely under 14. But as their occupation requires but a few hours' time, and is at its busiest outside of school hours, the street trades interfere with school only in so far as they make the children unfit for study through fatigue or associations.

Of all the various workers who may come under this head by far the most important are the newsboys. Peddlers of other wares are few, even in Boston,[2] and bootblacks are seen with less frequency on the streets. It has become the usual thing for bootblacks to open a "parlor," where, removed from public places, they cease to number among street traders. But the newsboys are seemingly necessary for the rapid transmission of our daily papers, and are undoubtedly destined to remain so for some time.

Removed from the protection of the ordinary child labor laws, these small workers seem at the mercy of their own and their parents' greed. After Mr. Myron Adams's discussion of the

[1] According to an estimate by Mr. Davis, supervisor of licensed minors in Boston.

[2] In Boston, in 1907, licenses were granted to boys as follows: Over 14: newsboys, 1,374; bootblacks, 151; peddlers, 61. Under 14: newsboys, 2,399; bootblacks, 139; peddlers, 26.

condition of newsboys in Chicago, and a cursory glance at the busy groups in Boston, there can be no doubt of the necessity of regulation especially fitted to meet the needs of street traders.

Granted the necessity for some regulation, the only question lies in its method. Something toward this end is done by the laws of Massachusetts, New York, Wisconsin, and by Cincinnati and Washington, D. C. Of these we may cite New York and Massachusetts as representing two radically different types. New York laws show a strongly centralized tendency, making the age and time limits in street trades as in other child labor laws. Massachusetts, on the other hand, allows local option full sway, formulating, except at the vote of town or city, but one law for the whole state, and that of most obvious character.[1]

But the fact that some Massachusetts cities restrain the children in these trades must not be taken to mean that the child is adequately protected. Not only are the ordinances by the different cities too few, but the administration of any newsboy regulations is a most complicated and difficult matter, by no means successfully determined in Massachusetts as yet. The question as to responsibility for enforcement is not fully decided in many Massachusetts cities, and the definiteness of the New York law in this respect shows how much we lack.

So far as I have obtained information from letters to the school authorities of every town and city in the state, and from personal visits to many of them, there are at least eleven cities in the state which require licenses for newsboys.[2] The list of towns is an interesting one, including not quite a third of the cities, and with no apparent reason for the absence of Lowell, Lynn, Lawrence, New Bedford, North Adams and others. For instance, of Fall River and New Bedford, lying close together, both textile cities, the former requires licenses, the latter does not. The cities in the western part of the state, North Adams, Pittsfield, Springfield, Northampton, are all absent from this list. Of cities with large retail shopping districts, Boston, Worcester and Fitchburg, re-

[1] The law prohibiting children under 10 from selling on the street cars, a law, however, which it is not possible to execute, and which is wholly unnecessary, as the street car authorities are able to prevent the entrance of any boy if they wish.

[2] Boston, Cambridge, Chelsea, Newton, Fall River, Medford, Somerville, Fitchburg, Worcester, Quincy and Salem.

quire licenses; Lowell and Springfield do not. None of our shoe cities, Lynn, Brockton, or Haverhill require licenses. Of the mill cities, Fall River requires them; Lowell, Lawrence, New Bedford, North Adams do not. Newton, Somerville, Cambridge, Chelsea, with large numbers of suburban residents, require licenses; Revere, Everett, Winthrop do not. Chicopee and Holyoke, with a large factory population, do not license their newsboys.

The question of administration is a very vital matter, and one, as we can see, quite unprovided for by the state law. The district police disclaim all duty in this respect. In Boston, the local police do likewise. Truant officers, as a rule, are busy about other business. The result is as always that everyone's business is no one's business. Because Boston truant officers did not carry out the law for street trades, Mr. Philip Davis was appointed as supervisor of licensed minors. He has supervision of all minors under 14 engaged in street trades. In this way, he has a chance not only to care for the cases which come directly under his notice, but also to see that other truant officers and members of the police take a share of the inspection. As a responsible head for the care of newsboys, he makes for the possibility of enforcing the law.

In Boston the system is good although not wholly effective even yet. This system should be extended to the other cities in the state, after having been made as excellent as possible. Boys between 11 and 14 receive a license at the office of the school committee on presentation of a certificate signed by the principal of the school which they attend. This license may be suspended at any time for a period of less than two weeks by that principal; and may be revoked on his application to the committee. Boys over 14 and under 21 are licensed by the clerk of committees or his delegate at the city hall. Proof of age, in so far as a school record insures it, is required, and these latter licenses are practically never revoked for any reason; one in 1906 and one in 1907, I believe, are all the clerk of committees could remember.

The following rules formulated by the school committee for boys under 14 are simple and at the same time exceedingly good, recent additions to the law having greatly improved conditions:

No boy under 14 shall

I. Sell without a license.

II. Sell without a badge.

III. Sell after 8 P.M. (10 P.M. on election nights) or before 6:30 A.M.

IV. Sell on street cars.

V. Be absent from school, or be unruly in school.

Each boy receiving a license obtains a card with the five offences plainly printed thereon, and also the maximum penalty of "not more than $10" stated "as high as $10." Truant officers in Boston are supposed to take cognizance of violations of the law, but, as a matter of fact, most of the enforcement is in the hands of Mr. Davis. The impossibility of his covering the district is its greatest disadvantage, which by an ingenious attempt to gain co-operation from the boys themselves, he is largely overcoming.

Mr. Davis has secured a decision of the municipal court fining a newsdealer who sold papers to an unlicensed minor, thus more effectively gaining control of the newsdealers who employ the boys. He has made several suggestions for regulations. One, a morning limit of 6:30 A.M. before which papers shall not be sold, has been included in the ordinances of 1909. New York makes it 6. Furthermore, he hopes to obtain an ordinance limiting licenses to boys over 12 and under 16 years, and placing them under his jurisdiction. At present, the boys between 14 and 16 secure licenses at the city hall. He thinks that no licenses for boys over 16 would be necessary, but wishes to obtain control of those between 14 and 16.

The chief fault in the law relating to the street trades, has always been that it placed no responsibility upon adults for violations of law, even though such violations were with their connivance and by those children actually exploited by them. Thus, in regard to the newsboys: The newspaper which sells papers to the minor, the local newsdealer who hires a crowd of small boys to sell papers for him on commission, the so-called "owner of a corner" who engages other boys to assist him in selling, have all been free from responsibility for violations of the law, even in those cities where there are license restrictions. The whole responsibility has been placed upon the child; and a small fine has been

the limit of the penalty. The last General Court has passed a law changing all this. The feasibility of local option as regards a license system has remained untouched, unfortunately. We should like to see license systems required in all cities, or in places of 20,000 population. In spite of this lack, however, the new law is admirable in many respects. It places the responsibility for violations on the shoulders of the adult where it belongs. The newspapers, the dealers, the corner-owners will now be obliged to see that no papers are issued except to licensed boys, and the penalty for violation may be $200.[1] This is a step in the right direction. A further step is taken in the requirement of the law that truant and police officers shall enforce it. Heretofore there has been no definite statement of the responsibility for enforcement of any of these laws.

There are still two needs before we can feel sure of the adequacy of these laws for the small traders; the one mentioned, that license systems should be required in all towns of a certain population. New York makes this limit 50,000. Some advantage in Massachusetts would result in a similar provision, but the limit seems high. Brockton has less than 50,000 according to the last state census; so have Holyoke, Haverhill, Fitchburg and others. Of course the need in the smaller cities is proportionately less, yet conditions in some of these are extremely bad, and there is no method of changing them without license restrictions.

The second need is greater still. New laws are good. We must have them in order to keep up with changing conditions. But more important than new laws, is the enforcement of those we have. With uncertainty whether the truant or the police officers should enforce the laws for the street trades, or whether both bodies are responsible, little effective administration may be expected. The law of 1910, placing this responsibility on both bodies in license cities should be extended to all the towns. A general system of licensing all street traders in our cities, placed under the charge of both police and truant officers, with an additional special officer where the need is greatest, as in Boston, would improve conditions.

Boston regulations are good, probably the most definite in the

[1] House Bill 1509.

United States and perhaps the most efficiently enforced; therefore I shall bring this section to a close with a statement of those at present in force:[1]

I. No minor *under 14* shall sell newspapers, etc.,[2] without a license.

II. The principal of the school shall receive application from the parent of the applicant, and shall forward it to the superintendent with his approval. The badge will then be sent to the principal, who will issue it to the boy.

III. The licensee will return the badge to the principal on its expiration or when he moves from the city. If lost, he must report at once to the superintendent and obtain a duplicate. A charge of twenty-five cents for each badge and duplicate will be charged.

IV. The minor shall conform to all requirements of the school committee and shall attend school regularly.

V. He shall not sell, lend, or give away his badge, nor furnish any unlicensed minor with papers, etc., to sell.

VI. He shall not sell on street cars; during school hours; nor before 6:30 or after 8 P.M. (on election days 10 P.M.).

VII. He shall not make unnecessary noise or disturbance.

VIII. He must wear his badge always when selling; and in plain sight.

IX. Licenses shall not be issued to girls or to boys under 11 years. Any violation may be punished by revocation of license, or its suspension.

Conclusion.

Of the two fundamental problems mentioned early in this paper, as to the relations of our child labor law and the industrial prosperity of the Commonwealth, and as to the economic necessity that Massachusetts must fall behind some of the other states in her protective attitude, we have gained little light. Those are questions for deeper economic study than has here been possible. On the problem of most immediate interest, however,

[1] The regulations made Dec. 7, 1907, as amended in 1909.

[2] Including all the street trades.

the question of the efficiency of the administration of the child labor law, we have gained some light.

No part of the child labor law, as existent in Massachusetts, is entirely satisfactory. It could hardly be expected, perhaps. Yet the lack is many sided, and greatly important.

There is no general, well-arranged law for the protection of the children who work. Laws there are, but no well-defined law. Exceptions and special provisions make these laws difficult to understand.

In spite of the fact that we have many censuses, we have no definite knowledge of the extent of our problem in the state; we do not know whether appropriations are necessary for 20,000, as the census shows, or for nearly twice that number, as our estimates lead us to think. For this condition of affairs the school census, being annual, should give us accurate information. It does not do so, however, and it apparently never will do so until it is taken up as a state matter, is centralized, and placed under the control of a central body interested in its effective results, such perhaps as the state board of education. If the same state board should undertake to issue standard age and schooling certificates, requiring a record of them annually, it would work toward the same result. We should know how many children were at work in the state; how many the school system could no longer control, as well as those it still retains.

Faults in the enforcement of the law are seen to lie both in the methods of issuing the certificates and in the general administration. Both factory and state board of health inspectors have too large a field and their duties are so varied that we must expect many cases to slip through their regard. Moreover, when cases are brought to court, the inspectors are seldom upheld by the judges. Minimum fines make our whole effort unavailing. Such fines are the result of the feeling that this part of the law is not important, that its specifications are difficult, and that responsibility for violations should not lie with the employer who profits from them. A more uniform body of law and a strong public sentiment behind it are its cure.

Taken generally, local regulation works to the greatest disadvantage of adequate protection for the working child. Condi-

tions are not very different between city and city in the state, and laws regulating specific employments need to be general in their application. It is this lack of cohesion, of centralization, of similar efforts for the same result, which is the greatest need. We need a uniform school census; we need a specified system for age and school certificates; we need license restrictions in all the more populous cities and towns. It has been an effort along the same line which has placed the administration of the factory laws in the hands of the state board of health. If those central boards are not more efficient than the local ones, they are at least easier to regulate and to reform. The greatest failing then will be due to inefficient individuals, and to the multiplication of their duties. Such dangers there are, of course. Nevertheless, some method of centering responsibility seems the only way to secure what we are aiming at, efficient administration of a general child labor law.

We have discovered that law does not enforce itself. In our decade-long campaign to secure enforcement of the law, we have learned that systems of administration are necessary, and that they are expensive. The one place where we can meet both conditions now is in centralized state commissions for specific duties. Labor of youths seems bound to increase in spite of all regulation, the growth of our cities, the increased cost of living, and the large influx of foreigners with a lower standard of life make it almost inevitable. It becomes the more necessary for our state to provide measures so effective that our physical and educational standards shall not be permanently lowered.

CHAPTER IV

THE STANDING OF MASSACHUSETTS IN THE ADMINISTRATION OF LABOR LEGISLATION

EDITH REEVES AND CAROLINE MANNING

THE STANDING OF MASSACHUSETTS IN THE ADMINISTRATION OF LABOR LEGISLATION

1. Conditions in Factories to which Laws apply — the Criterion of Efficiency.

Massachusetts has been generally regarded as the center of advanced labor legislation in America. Part of that well-earned reputation is due to the priority[1] of important laws passed in this Commonwealth which have been copied, often verbatim, by many other states, but it cannot be explained on that basis alone. Although several of the states which have followed Massachusetts as a leader have at some points distinctly bettered her instruction,[2] it is still true that not many other states in America have laws which go so far toward complete protection of employees as do those in Massachusetts.[3]

But the fact that a state possesses a large body of labor laws is only partial proof that working conditions are good. American legislatures have always passed laws freely; each state continues to pile up a great bulk of legislation which includes much dead timber. In regard to labor laws in particular there is frequent complaint[4] from employees and others in Massachusetts as in other states that this abundant legislation is not effective in affording adequate protection. Even though the reports are not taken at their face value, the very persistency of the complaints

[1] Massachusetts was the first state in America to legislate concerning child labor (1836), the first to institute factory inspection by state officials (1866), the first to limit the day's work for women and minors to ten hours (1874), the first to establish a bureau of statistics of labor (now the bureau of statistics) (1869), the first to employ physicians as state inspectors charged to examine conditions affecting the health of employees (1907).

[2] Eleven other states have a shorter legal working day for children between fourteen and sixteen, and seventeen other states restrict night work more than does Massachusetts. (Evidence presented by Massachusetts child labor committee at legislative committee hearings in 1909–1910.)

[3] See American Association for Labor Legislation, *Legislative Reviews*, Nos. 4, 5, 6.

[4] These complaints appear in speeches by trade unionists at legislative hearings and elsewhere, in the labor press, and in other newspapers. Typical items appeared in the *Boston Evening Globe* for Feb. 7, 1910, under the heading, "Violations of Health Laws Alleged by Delegates to Boston Central Labor Union;" for Feb. 14, 1910, under the title, "Factory Law Violations." The same paper for Feb. 21, 1910, mentions a suit for the violation of safety appliances.

forces the impartial student to seek some other indication of good conditions than the bare statutes which aim to regulate those conditions.

Any fair discussion of the subject should include mention of one factor too seldom recognized, namely, the effort of many employers to provide conditions considerably in advance of the minimum requirements of the law. In spite of the change from the old-fashioned "firm" to the larger and less personal "corporation," each place of employment is still in charge of individuals who have close knowledge of its conditions, and these men, whether owners or agents, are humanly variable like the rest of the world. Some who realize the great difference in the attitude of individual employers regard the question of personal element as too complex to be reckoned with in a scientific study. But without doubt Massachusetts has a large proportion of employers of labor who take a measure of personal interest in providing good working conditions for their employees and are disposed to carry out legal regulations voluntarily. This may be attributed to several causes. Massachusetts factories are older than those in most other states; they have prospered through periods of fairly stringent labor legislation; and the long connection of certain families with particular establishments has in some cases fostered a tradition of good conditions. The possibility that Massachusetts may have a somewhat larger proportion than other states of "good" employers, who are willing to observe the requirements of labor laws, does not, however, modify the truth that laws and their enforcement are needed to bring into line those who cannot be so classified.

The welfare of employees is avowedly the first object of labor laws, but efficient enforcement offers justice also to employers. The expense of providing good conditions of employment can become what it legitimately should be, part of the regular cost of production, only when all employers actually provide similar conditions. This result can be fully attained only when there is uniform labor legislation in all states with competing industries. The wide differences in regulations concerning hours and conditions in competing states give an opportunity for opposition to "advanced" legislation by some employers in Massachusetts. The first big step toward making the expense of good conditions

a part of the cost of production borne in fair proportion by all establishments will be gained in Massachusetts when all employers in the Commonwealth are uniformly observant of her laws. But this subject is not within the scope of the present paper.

That conditions in Massachusetts are not thus uniformly good is suggested strongly, as stated above, by the frequency of complaints from various sources. It is of first importance, in attempting an estimate of the potency of Massachusetts legislation, that some measure of the effectiveness of the laws in actual practice should be discovered.

The full test of the observance of any law is of course met only upon proof that those conditions which it aims to establish actually exist. In the case of labor legislation, the investigator seeks evidence of the prevalence of safe and healthful conditions in factories and other places of employment, the absence of young children, the general adoption of a reasonably short working day and week for women, and a labor contract which is fair to employees as well as employers. To make possible an accurate estimate of the standing of Massachusetts or that of any other state on this basis of known conditions, it would be necessary to learn by observation the conditions of employment in all industries in all sections of the state to be studied. For the single student of conditions such a method is manifestly impossible. Studies by both state and national labor bureaus and by private investigators are of very great value; but for the immediate purpose of this chapter the material for such an estimate from existing studies,[1] after the rejection of much that is out of date, is both too incomplete and too scattering.

[1] Examples of studies touching conditions. See Publication of the American Economic Association:

Fairchild, F. R., *The Factory Legislation of the State of New York*,
Towles, J. K., *Factory Legislation of Rhode Island*,
Edwards, A. M., *The Labor Legislation of Connecticut*.
Whitin, *Factory Legislation in Maine*.
Barnard, J. Lynn, *Factory Legislation in Pennsylvania*.

Examples of subjects treated by labor bureaus:

Phosphorus Poisoning in Match Industry.
Tenement Manufacture in Massachusetts.

Popular articles:

Everybody's, 1910, William Hard and Rheta Dorr, "The Woman's Invasion."
Harper's, June and July, 1910, articles on "Life in Silk Mills."

2. Provisions for Penalties, a Possible Test of Efficiency.

The statute books themselves are found to furnish certain suggestions as to the efficiency of the law which are definite and complete for all states. They reveal two sorts of provisions intended to put the labor laws into operation: those fixing penalties upon conviction for violation of the laws, and those directing the appointment of special officials whose duty it is to ascertain that the laws are obeyed.

The penalties and the time-limits after notice allowed for compliance with certain laws in the various states are shown in Chart I. It will be seen that Massachusetts imposes penalties for the violation of practically all labor laws for whose violation any other state provides penalties. The range of amounts which may be laid in Massachusetts may be described as average but distinctly below those found in the other great industrial states. The maximum for violations of laws on the following points is much lower than in several other states: sanitary conditions,[1] child labor,[2] illegal employment of women.[3] It is noticeable that of the five states in which special provision is made for reporting accidents to the factory inspectors, Massachusetts has considerably the lowest maximum for violation of the requirement.[4] On the other hand, the upper limit for fines for failure to observe the fire laws is higher in Massachusetts than in any other state. There are in general more detailed provisions for penalties in Massachusetts than elsewhere; and there is also an omnibus provision in the 1909 chapter codifying the labor laws similar to that in a few other states which imposes a penalty of $100 for violation of any provision for which no specific penalty is declared.

We conclude, therefore, that in so far as the presence of penalties for violations indicates the degree to which employers other-

[1] Massachusetts, $100; Kansas, $200; Kentucky, $200; Indiana and New York, $250 or more; Ohio and Pennsylvania, $500.

[2] Massachusetts, $300; Michigan and Rhode Island, $500. In New York for third offence *not less* than $250.

[3] Massachusetts, $100; Indiana, $250 or more; Pennsylvania, $500. In Indiana and New York *not less* than $250.

[4] Massachusetts, $20; New Jersey and Ohio, $50; Pennsylvania, $500. In New York *not less* than $250. Imprisonment up to 60 days is also possible in New York and Pennsylvania. (Not on chart except for Massachusetts.)

wise unwilling are induced to observe the provisions of the laws, the labor laws of Massachusetts, from the point of view of application of penalty, should have about the same measure of potency as those in other states, with the exception of the law requiring that accidents be reported to the inspectors, although the degree of penalty is below the average for industrial states.

But the existence of provisions imposing such penalties does not of itself assure obedience; if the penalties are very seldom or never invoked, they may belong in the dead letter category as well as do the laws they are supposed to make effective. As a matter of fact, the number of prosecutions instituted by inspectors or others in Massachusetts is relatively very small; the vast majority of infringements discovered are rectified without resort to the courts. Because extreme cases only are taken into court by inspectors in Massachusetts, they usually result in conviction and payment of a fine. But the total amount paid by the seventy-one persons convicted in 1909 was only $1,917.70.[1] Whether or not prosecutions might well be brought more frequently is a point for later discussion. The point of view to be kept is that penalties are provided in order to prod unwilling or indifferent employers into obedience. The attitude is of course that of all modern punishment by the state, which regards fines or imprisonment as preventive rather than revengeful or remedial measures.

3. The System of Inspection as a Test of Efficiency.

Legislators, as well as trade unionists and others originating labor legislation, after discovering that a prohibition even with a penalty is often a very weak barrier, have become convinced of the necessity for enforcement by special inspectors. The threat of punishment alone is not sufficient to prevent either wilful or ignorant violations of these laws. The intervention of chance individuals or of officials with other duties who have no special responsibility concerning the enforcement of labor laws cannot be depended upon to secure their observance. The provision in Idaho,[2] for example, that "any reputable citizen may bring complaint" against an employer who violates the child labor law is unlikely to receive the serious consideration of many employers.

[1] Report of District Police, 1909, p. 79.

[2] Statutes 1907, p. 325.

The average "reputable citizen," if not indifferent, is too little acquainted with the facts, too busy, or too little anxious to become involved in legal disputes to avail himself of the privilege offered. Something more might be expected and does result from the action of employees, especially trade unionists, but they are not likely unaided to enter complaints in the courts sufficiently often to force general compliance with the laws. A paid union secretary has not the average employee's fear of losing his job for bringing action against his employer, but he too often lacks skill in the presentation of cases in court. How much unions would do unaided concerning violations of labor laws cannot of course be estimated, because labor is most highly organized in older industrial states where there is a system of inspection. But any lengthy defence of the policy of state inspection is no longer necessary in the United States. New Hampshire is the only northern industrial state which has not recognized this necessity. In thirty-three states, including very nearly all except New Hampshire which have any conspicuous number of industrial establishments, the present question is not, "Shall we have state inspection?" but, "What sort of state inspection shall we develop and how much of it?" There is no doubt whatsoever that "administration is the great problem of the future."

It must be remembered that this problem of administration is far more difficult because more technical than questions concerning laws which direct the conditions of employment. Any intelligent person, particularly if he is a laborer or an employer of labor, may form a reasonable opinion concerning working hours or conditions in an industry with which he is acquainted. He is less able to pass upon questions involved in the technique of administration, to judge, for example, whether better results will follow if inspectors prosecute directly or refer cases to district attorneys, or whether good health conditions will be more likely to be secured in the great number of small bakeries scattered through a large city if they are subject to inspection by district factory inspectors or by representatives of state or local boards of health.

It is therefore to the systems of inspection that we must look

for a fair understanding of the enforcement of labor laws and the appended tables set forth the provisions in detail for all states having them.

4. Local Systems of Inspection.

The bulk of material at hand concerning the enforcement of factory laws deals chiefly with inspection by state officials. But some mention must be made of an issue in itself worthy of detailed study; the value of inspection by local officials and the best adjustment of responsibilities between state and local inspection. It may be stated briefly that the states with more advanced labor laws and older administrative systems have authority strongly centralized in the state inspecting force, which acts often as a coercing body in securing the performance of duties by local boards of health, truant officers, and building commissioners. In the enforcement of certain sanitary laws in England,[1] the state inspector is empowered to carry out a local official's functions, when the local representative cannot be prevailed upon to do it himself. In a recent study, "Woman and Child Wage-earners in Great Britain,"[2] Victor S. Clark states that in Massachusetts, "Local authorities enforce rather more provisions of the law than do the local authorities in Great Britain." But the student of administration in Massachusetts feels inclined to question the accuracy of the statement.[3] Mr. Clark's conclusion might possibly be drawn from a study of laws alone, but on this point such deductions are especially dangerous. When a statute gives both state inspectors and local health boards power to remedy poor sanitary conditions, it is absolutely impossible to tell which officials do most of the work without intimate practical acquaintance with many localities. The state inspector of health has been found distinctly the strongest influence for good health conditions in most sections of Massachusetts; several persons in positions which enable them to know the facts have stated to the writer that local

[1] Abraham and Davies, *The Factory and Workshop Act*, p. 117.

[2] U. S. Bureau of Labor *Bulletin*, January, 1909, p. 10.

[3] Totally opposing statements as to the efficiency of local truant officers are given by people who happen to know them in different localities.

health boards paid little attention to factory conditions before the appointment of the state inspectors of health. On the other hand, in one city, a prominent trade union secretary had never heard of the state inspector of health, appointed two years before, and was in the habit of reporting cases of bad sanitary conditions to the unusually efficient local board of health. It is certain that the degree to which local officials supplement or replace the work of state officials in Massachusetts varies greatly from village to village and city to city. The subject is an open one, fruitful for study.

5. State Systems of Inspection.

An attempt to estimate the value of various provisions for state inspection may deal with the subject in four divisions: (1) the amount of inspection provided for, (2) its probable excellence as suggested by the fitness of the men appointed, (3) the powers and duties of inspectors, (4) the systems under which inspection is organized.

The Amount of Inspection. The most obvious measure of the value of any plan for inspecting factories and other places of employment is the quantitative one, the amount of inspection in proportion to the amount of work to be done. The table on pages 234 and 235 shows the number of state inspectors wherever there are such officials in the United States.

To take the tabulation as given, the number of men[1] doing such work in each state varies from one, in three southern states, to sixty-nine in New York. Pennsylvania with forty-four, Ohio with thirty-four, and Massachusetts to which thirty-three are credited, have the largest numbers after New York. The different states group themselves thus:

Of those states which reported to the Association for Labor Legislation, inspection is under a bureau of labor, or bureau of

[1] The actual numbers in the departments as reported to the American Association for Labor Legislation in December, 1909, and printed in their *Legislative Review*, No. 3, have been used; for the states which did not report, the numbers marked "L" are those stated in the law. The *Legislative Review*, No. 3, "Administration of Labor Laws" should be used in connection with this discussion, as it contains a tabular presentation of the organization of systems of inspection in the various states of the United States. For the sake of completeness it should be used in connection with the charts presented at the end of this chapter.

labor statistics, in fifteen states. There is one inspector in Louisiana; there are two in California, Montana, Nebraska and West Virginia; four in Iowa and Kansas; five in Oregon; six in Washington; ten in Maryland; fifteen in Wisconsin; sixteen in New Jersey; nineteen in Minnesota; twenty-three in Michigan; sixty-nine in New York.[1]

Of the six states which did not report to the Association for Labor Legislation, Virginia has one inspector; Alabama and Delaware each have two; Kentucky and South Carolina have three; Colorado has seven. In the states where inspection is not connected with a bureau of labor, ten states in all, there is one inspector in Maine and in Tennessee; there are two in Missouri; three in Rhode Island; five in Connecticut; six in Indiana; twenty-seven in Illinois; thirty-three in Massachusetts;[2] thirty-four in Ohio; forty-four in Pennsylvania. Of the three states not included in the chart, Virginia has one inspector; Oklahoma and Texas each have two inspectors.

The numbers suggest the relative amount of inspection in the different states, but a number of important modifications must be borne in mind. In some cases the numbers given are not inclusive of all state officials who have any functions relative to the inspection of establishments under the labor laws; they include only men recognized as inspectors of factories, workshops, and stores. Twenty states[3] have separate mine inspectors who are not included; it is possible that the few states whose regular inspectors also cover mines are given a slight undue advantage in such a statement. There is a small number of other scattering officers outside the regular force who may deserve mention, although they usually do not have as their primary duty the protection of employees. Kansas and Washington have separate inspectors of hotels, West Virginia a state fire marshal, Minnesota a food inspector, all of whom enforce laws which protect employees

[1] Mercantile and factory inspectors. Inspectors of steam vessels are not counted.

[2] Boiler inspectors are not counted. The thirty inspectors of factories and public buildings of the district police are counted and three arbitrarily added to the number in order to represent the inspection work of the state inspectors of health.

[3] Alabama, Arkansas, Colorado, Idaho, Illinois, Indiana, Iowa, Kansas, Kentucky, Maryland, Minnesota (counties), Missouri, Pennsylvania, South Dakota, Tennessee, Texas, Utah, Washington, West Virginia, Wyoming.

as well as the general public. Connecticut has special agents of the state board of education who enforce some child labor laws in their efforts to secure compulsory education. But the amount of inspection affecting the welfare of employees in factories, workshops, or stores which is done by officials not in the regular inspecting departments is not great enough to change results materially.

Another modification which seems at first most important is due to the placement of factory inspection under a bureau of statistics in twenty-one states.[1] Where different men have statistical and inspection duties, only the inspectors have been counted, together with the commissioner of labor and the deputy commissioner. The actual relation of the commissioner to inspection work varies greatly. In Montana the commissioner and one chief clerk do all the work of the bureau of labor, including the gathering of statistics and the enforcement of labor laws. At the other extreme, under New York's highly organized system, the commissioner's time is divided between four bureaus; the factory inspection bureau, however, requires by far the largest share of his attention, according to former Commissioner Tecumseh Sherman.[2] But a good measure at least of the active supervision of factory inspection is taken over by a deputy commissioner in fourteen[3] out of the twenty-one states. Of the other seven, Louisiana provides for city inspectors and the bureau of labor enforces few laws; Maine and South Carolina have each two deputies; in Montana, Oregon, Virginia, and West Virginia, inspection is on so small a scale that the commissioner performs all or most of the inspection work, together with other duties. These observations may be remembered, then, for the states in which inspection is under a bureau of labor, marked "B" in the table.

A few other details are necessary. Missouri is not fairly treated, for her two state inspectors are supplemented by unusually comprehensive provision for inspection by cities. Texas has an uncounted official, a health inspector under the state

[1] For list see pp. 234 and 235, indicated by B under column 7.

[2] N. Y. State Department of Labor, *Report of Commissioner*, 1906, I, 86.

[3] California, Colorado, Iowa, Kansas, Kentucky, Michigan, Minnesota, Nebraska, New Jersey, New York, Oklahoma, Texas, Washington, Wisconsin.

board of health who will some day have a part in factory inspection, although a recent letter states that, "Nothing has been done yet." Finally, in Massachusetts, the deputy chief of the district police, who is in charge of the inspection department, has been counted, but not the chief of police who supervises also many other matters. The boiler inspectors have not been counted because there is no body exactly comparable to them in other states. The fourteen inspectors of health under the state board of health have duties of so broad a scope[1] that it would be far from accurate to add their number in counting the factory inspectors of Massachusetts. The measure of the time given his official duties which each inspector of health apportions to factory inspection and the examination of employed minors varies from one fourth to one fifteenth in the different districts, according to the very comprehensive records preserved at the office of the state board of health. Mathematical accuracy is impossible, but one fifth the number of inspectors of health, or three, has been arbitrarily added in counting the factory inspectors in the belief that this number represents approximately the addition to the factory inspection forces of the Commonwealth resulting from the appointment of the inspectors of health.

A review of the situation shows Massachusetts having thirty-three inspectors, fourth in the list, New York having sixty-nine, Pennsylvania forty-four and Ohio, thirty-four.

But such a presentation of the number of inspectors as that in the table, duly modified, is intelligible only with knowledge of the amount of work to be done by inspectors in each state. The table[2] was compiled in an attempt to show the ranking of the various states as to the number of their inspectors in proportion to the number of manufacturing establishments and the number of

[1] For text and citation of law, see p. 241 and p. 251, f. n. 2.

[2] The use of 1900 and 1905 census figures with 1909 figures for numbers of inspectors was adopted as reasonably accurate because the question is one of proportion only. None of the leading states shifted their places as to numbers of establishments or of wage-earners between 1900 and 1905. But the number of inspectors has often been changed abruptly by considerable increases and it seemed best to use the latest figures possible.

United States Census — Special Reports on Manufactures.

State.	Year.	Establishments.	Rank.	Wage-earners.	Rank.	Inspectors.[1]	Rank.
New York,	1905	37,194	1	856,947	1	B	1
	1900	35,957	1	726,909	1	69	
Pennsylvania,	1905	23,495	2	763,282	2	44	2
	1900	23,462	2	663,960	2		
Ohio,	1905	13,785	4	364,298	5	34	3
	1900	13,868	4	308,109	5		
Massachusetts,	1905	10,723	5	488,399	3	B[2]	4
	1900	10,929	5	438,234	3	33	
Illinois,	1905	14,921	3	379,436	4	27	5
	1900	14,374	3	332,871	4		
Michigan,	1905	7,446	7	175,229	8	B	6
	1900	7,310	7	155,800	8	23	
Minnesota,	1905	4,756	13	69,636	19	B	7
	1900	4,096	13	64,557	18	19	
New Jersey,	1905	7,010	9	266,336	6	B	8
	1900	6,415	10	213,975	6	16	
Wisconsin,	1905	8,558	6	150,391	10	B	9
	1900	7,841	6	127,525	10	15	
Maryland,	1905	3,852	14	94,174	14	B	10
	1900	3,886	14	94,170	12	10	
Colorado,	1905	1,606	33	21,813	35	B	11
	1900	1,323	35	19,498	36	7L	
Indiana,	1905	7,041	8	154,174	9	6	12
	1900	7,128	8	139,017	9		
Washington,	1905	2,751	23	45,199	28	B	12
	1900	1,926	26	31,523	31	6L	
Connecticut,	1905	3,477	16	181,605	7	5	13
	1900	3,382	17	159,733	7		
Oregon,	1905	1,602	34	18,523	37	B	13
	1900	1,406	33	14,459	38	5	
Kansas,	1905	2,475	24	35,570	32	B	14
	1900	2,299	23	27,119	33	4	
Iowa,	1905	4,785	12	49,491	26	4	14
	1900	4,828	12	44,420	25		
Rhode Island,	1905	1,617	32	97,918	13	5	13
	1900	1,678	32	88,197	13		

[1] "B" indicates that inspection is under a bureau of labor statistics. "L" indicates that no report of numbers of inspectors was received by the American Association for Labor Legislation and the number given is as provided in the statutes.

[2] Boiler inspectors are not here included. This number includes the arbitrary estimate of 3 inspectors from the health department, representing the proportion of time given by these officials to factory inspection duties.

United States Census — Special Reports on Manufactures.

States.	Year.	Establishments.	Rank.	Wage-earners.	Rank.	Inspectors.	Rank.
Kentucky,	1905	3,734	15	59,794	23	B	15
	1900	3,648	15	51,735	23	3L	
South Carolina,	1905	1,399	37	59,441	24	B	15
	1900	1,360	34	47,025	23	3L	
Missouri,	1905	6,464	11	133,167	11	2	16
	1900	6,858	9	107,704	11		
California,	1905	6,339	10	100,355	12	B	16
	1900	4,997	11	77,224	15	2	
Texas,	1905	3,158	21	49,066	27	B	16
	1900	3,107	20	38,604	27	2	
Alabama,	1905	1,882	28	62,173	21	B	16
	1900	2,000	24	52,711	21	2L	
West Virginia,	1905	2,109	25	43,758	29	B	16
	1900	1,824	28	33,080	29	2	
Montana,	1905	382	45	8,957	39	B	16
	1900	395	42	9,854	39	2L	
Delaware,	1905	631	40	18,475	38		16
	1900	633	38	20,562	35	2L	
Oklahoma,	1905	657	39	3,199	44	B	16
	1900	316	44	1,294	49	2L	
Louisiana,	1905	2,091	26	55,859	25	B	17
	1900	1,526	27	40,878	26	1	
Nebraska,	1905	1,819	29	20,260	36	B	17
	1900	1,695	31	18,669	37	1	
Virginia,	1905	3,187	19	80,235	17	B	17
	1900	3,186	18	66,223	20	1L	
Maine,	1905	3,145	22	74,958	18	1	17
	1900	2,878	22	69,914	17		
Tennessee,	1905	3,175	20	60,572	22	1	17
	1900	3,116	19	45,963	24		

wage-earners, the latter indicating roughly the size of the establishments. Either comparison would be unfair without the other, for a large portion of an inspector's time is necessarily spent in going from one place of employment to another. The table shows, for example, that Massachusetts is fifth in the United States in the number of manufacturing establishments listed by the census, but third in the number of employees in such establishments. Massachusetts has then rather more workers in each

factory than other states and it is possible, accordingly, that somewhat less time is spent by the inspectors in going from factory to factory. Geographical distances must also be remembered. Massachusetts is a small state and transportation is rapid as compared with that in some parts of the West and South. On the other hand, inspectors must cover almost every inch of the territory Massachusetts does embrace in order to reach all the mills scattered along the streams which originally determined the location of factories in this section. In states where manufacturing was begun after the introduction of steam, factories have tended to center nearer a few large markets.

The place of Massachusetts as fourth in number of inspectors while third and fifth, respectively, in number of wage-earners and of establishments seems to indicate a barely average position in the liberality of provision for inspection of factories. This statement does not necessarily present the whole situation because the table deals exclusively with manufactories. It is not fair to compare thus states in which inspectors examine conditions in factories only as in Connecticut, Minnesota and Ohio, and states in which inspectors give time, in addition, to stores and tenement workshops, as in Massachusetts, for the frequency of inspection must be much less in the latter case. However, the reports of inspectors in all industrial states show that, as a matter of fact, very many more factories than establishments of any other sort are inspected. Ex-Commissioner Sherman of New York[1] objects to the "unjust and unreasonable discrimination in the law and in public sentiment against factories." Be that as it may — and it is not a matter for discussion at this point — so large a portion of the time of inspectors is given to factories in the manufacturing states which lead in number of establishments that the table may still have value.

A tabular statement showing the degree to which inspectors actually cover the ground in various states would be of greatest value. Such a table for the years 1900 and 1905 was attempted, comparing the census numbers of establishments with the numbers of places reported by inspectors in the respective states as having been visited. But the project was given up in despair of finding

[1] N. Y. State Department of Labor, *Report of Commissioner*, 1907, I, 72.

any common definition of "establishments" in various states and because the reports of inspectors are so variable or indefinite. To give illustrations almost at random: in Pennsylvania stores and laundries are counted in with the general number of establishments but are not separately listed; the Maine report for 1905 fails to give the number of places inspected; finally, the Illinois report for 1905 would seem to indicate the inspection of between four and five times as many places as the United States census enumerators located.[1] Worst of all, even the different censuses do not agree as to what is a factory. In 1900 it was a manufacturing establishment with an annual product of $500 or more; in 1905 it was one which manufactured for other than a local market, to the exclusion of all ice cream factories and the inclusion of bakeries and laundries. The seeker for information on this point must wait until official enumerators approach some sort of agreement on definitions and classifications.

The reports of the inspection department of the district police of Massachusetts give the total number of places inspected, without indicating the proportions of these which are factories, stores, etc. In 1907 Miss Caroline Manning estimated that the inspectors could reach each establishment once in five years. The average of estimates which the writer has heard at legislative committee hearings and elsewhere in 1910 is about once in three years. In practice, some places are entered at much closer intervals and others must be visited less frequently. As a matter of fact many of the inspectors under the district police are at times detailed for detective and other police duties. The origin and development of moving picture shows has perpetuated the custom in this state of throwing a burden onto whatever department seems willing to receive it, or where there may be possibly analogous duties. When the problem of licensing and inspecting these shows arose, the solution was promptly found by imposing the task on the factory inspectors under the district police, taking about one third of the time of some of the inspectors, according to their statement. As a result inspection seems now to be almost altogether on complaint in Massachusetts.

[1] It may be that some of the places visited were not factories.

No knowledge of the extent to which the laws are properly administered can ever be gained until either the actual number of places subject to inspection district by district is secured at least annually by the bureau of statistics or by the inspection departments. Moreover, the system of organization and the size of an inspecting force cannot be properly determined upon until the work to be done is discovered. Actual registration with such a department by every person or group of persons establishing a business or erecting a building subject to inspection or notification of closing such a place, as is now done in Germany, seems to be the only scientific basis for administration of labor laws.

The report of the commissioner of labor of New York for 1906 says that during that year, "almost every factory of importance" in the state was inspected (division 1, page 29). The report for 1907 states (1, 21), "It is believed that approximately all factories that needed it have been subjected to some form of inspection." The commissioner's statement is corroborated by Fred R. Fairchild in his *Factory Legislation of the State of New York*, page 176. In *The Labor Legislation of Connecticut*, by Alba M. Edwards, page 281, it is asserted that the factory inspectors visit factories at least once a year. No similar statement has been found in Massachusetts reports.

As further indication of the quantitative value of inspection provisions, a comparison of the appropriations for the expenses of inspection by the different states was planned, but it proved impracticable also. The connection of inspection with statistical work makes it impossible to tell in many states how much of the expense for clerical work should be credited to each. Some states appropriate a lump sum for the expenses of a bureau or department; but many other states simply specify that "legitimate" or "reasonable and necessary" expenses shall be paid and the amount could be learned only by adding together various bills submitted by the different members of the department.

The probable Excellence of the Force. The value of inspection by any force depends also upon the fitness of the individual inspectors for the work assigned them. Perhaps the most important qualities are tact and a knowledge of men, factors which law cannot

easily determine. But the statute provisions concerning the appointment of inspectors, their terms of office, and salaries indicate in some measure the character of the men in office.

The provisions concerning the appointment of inspectors will be given here for the sake of completeness although it is difficult to show without intimate knowledge that the location of the appointing power has made any material difference in the kind of men or women chosen.[1] Of the twenty-one states in which factory inspection is under the bureau of labor, sixteen[2] have a commissioner appointed by the governor, usually with the consent of the Senate. He is elected by the voters of the state in Kentucky, Nebraska (the governor is ex-officio commissioner of labor), Oregon and Oklahoma. In Kansas he is elected by the Society of Labor and Industry, composed of delegates from labor associations throughout the state. In fourteen of these states a deputy commissioner or factory inspector has direct charge of inspection work. In nine[3] of them, this official is named by the commissioner; he is appointed by the governor in Nebraska (already counted since the governor is commissioner), Oklahoma (on recommendation of the commissioner) and Washington. He is elected by the State Society of Labor and Industry in Kansas. The law does not show to whom authority for appointing the deputy commissioner is given in Iowa or Texas. It is probable that he is appointed by the commissioner in Iowa and that no deputy has yet been chosen in Texas. All ten[4] of the states with factory inspection under a separate department not connected with the bureau of labor authorize the governor to name the inspector or chief of the department.

For the states in which inspection is under a bureau of labor, assistant inspectors are chosen by the governor in two[5] states, by

[1] See American Association for Labor Legislation, columns IV and VI. *Legislative Review*, No. 3.

[2] California, Colorado, Iowa, Louisiana, Maryland, Michigan, Minnesota, Montana, New Jersey, New York, South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin.

[3] California, Colorado, Kentucky, Michigan, Minnesota, Nebraska (commissioner is governor), New Jersey (with approval of governor), New York, Wisconsin.

[4] Connecticut, Delaware, Illinois, Indiana, Maine, Missouri, Ohio, Pennsylvania, Rhode Island (approval of Senate), Tennessee.

[5] New Jersey (regular inspectors), Oklahoma (on recommendation of commissioner with consent of Senate).

the commissioner in sixteen[1] states. They are appointed by the governor in two[2] of the states which have a separate department of factory inspection, and by the chief of the department in five[3] states.

Of the two states having neither a bureau of labor nor a department of factory inspection, Alabama authorizes the appointment of the inspector by the governor. In Massachusetts, all members of the district police, including the chief and all deputies and inspectors, are appointed by the governor; the inspectors of health are appointed by the state board of health with the consent of the governor and council.

It would be possible to speculate as to the greater or lesser probability of what are called "political" appointments by a governor or by a commissioner of labor or chief inspector, but such speculation would be without value unless supported by an intimate knowledge of practical politics in many places. It is quite possible, for instance, that "appointment by the governor" is in many states without a civil service system equivalent to appointment by the commissioner, if it is upon the latter's recommendation that the governor makes the appointments.

Three states, New York, Wisconsin and Massachusetts, place most of the inspectors except the commissioner (in Massachusetts the chief of the district police) on the civil service list. In New York the factory inspector, one assistant, and the mercantile inspector are exempt from taking the examinations and hold office at the pleasure of the commissioner of labor.[4]

The exemption of the factory inspector and mercantile inspector, who are at the head of the bureaus of factory and mercantile inspection, respectively, is in line with the usual exclusion of important executive officers from the civil service. One assistant in the bureau of factory inspection has especially close relations to the head of the bureau and the position is exempted from the civil service on the ground of its "confidential" nature. In Wisconsin, all except the deputy commissioner are subject to the

[1] California, Colorado (recommendation of first deputy who is chief factory inspector), Iowa (approval of council), Kansas, Kentucky (approval of governor), Maryland, Michigan, Minnesota, Montana, Nebraska, New York, Oregon, South Carolina, Washington, West Virginia, Wisconsin, also two special inspectors in New Jersey.

[2] Illinois, Rhode Island (consent of Senate).

[3] Connecticut, Indiana, Missouri, Ohio, Pennsylvania.

[4] New York Acts, 1901, p. 496.

civil service act. In Massachusetts, members of the inspection department of the district police are under the civil service; the inspectors of health are not. The law[1] requires that the latter shall be "practical and discreet persons, learned in the science of medicine and hygiene." They are all practicing physicians and the medical examinations they have taken are probably considered more than equivalent to any which the civil service commissioners would set. However, the law does not require that the inspectors of health shall be physicians and in the rather improbable event of the appointment of men who might be thought "learned in medicine and hygiene" but were not graduated physicians, the question of a civil service test for practical knowledge of building, sanitation, etc., might arise.

The purpose of the civil service for deputy factory inspectors as for other public employees is twofold: to maintain a standard of efficiency in public office and to eliminate the use of illegitimate influence, political or other, in securing appointments. Historically, the latter motive was the main purpose of the adoption of the civil service, which became a bulwark for the faithful employee against the tides of party changes. This point of view is still maintained, but where the system has existed for more than a quarter of a century,[2] as it has in Massachusetts, the permanency of capable employees in office is so much taken for granted that the interest has shifted. Present emphasis centers upon the use of civil service examinations to secure employees especially fitted for their work, thus advancing the general public interest.

For deputy factory inspectors the examinations in all of the three states are becoming increasingly thorough tests of the applicant's practical fitness for inspection work. The courtesy of the commissioners in these states has made possible the comparison of typical papers actually set for inspection positions in Massachusetts, New York and Wisconsin. Some of these sets of questions are reproduced in the Appendix number A. They reveal many points in common, but also certain differences which are of interest because they coincide in a measure with differences of emphasis which are shown otherwise by the three states.

The most noticeable difference is the highly specialized character of the examinations set in Massachusetts, as compared

[1] Massachusetts Acts., 1907, 537, 2. [2] Civil Service Act, 1884, 320.

with the more general nature of the questions and the broader field covered by the New York and Wisconsin papers. The Massachusetts questions concern building construction only and all male applicants take the same examinations, although about half the members of the inspection department of the district police are factory and workshop inspectors enforcing laws concerning child labor, hours of labor, and machinery safeguards. When there is a vacancy in the force of building inspectors, one of the factory and workshop inspectors is transferred to this more technical work. New appointments are to places as factory and workshop inspectors and each man is likely to spend several years in that section before becoming a building inspector. Of the inspectors of factories and public buildings, neither the men who take the examinations nor the women who do not are tested concerning the work upon which they are to enter immediately. Both Wisconsin and New York examine applicants for knowledge of law and practice on the varied subjects with which inspectors deal.

Men and women applicants take the same examinations in New York. A special examination was set for women in Wisconsin in 1907; it laid emphasis upon a knowledge of laws and conditions closely affecting women and children. No examination has yet been given in Massachusetts for the two places open to women. They are not expected to become building inspectors, and, as already stated, the Massachusetts questions cover building construction only.

The various divisions of the examinations in New York and Massachusetts have the relative importance shown by the following columns:[1]

MASSACHUSETTS.

Out of 15 points.

Handwriting,	1
Letterwriting,	2
Training and experience,	5
Arithmetic,	2
Inspection duties (building construction),	5
	15

[1] From statements received from secretaries of the commissions.

NEW YORK.

Out of 10 points.

Experience and education,	2
Arithmetic,	1
Nature and methods of inspection, preparation of reports, etc.,	5
Laws relating to the department,	2
	10

The New York commission states, "Spelling, handwriting and manner of expression will be considered in marking the papers but will not constitute separate subjects. In marking experience, due weight will be given to age and to experience in mechanical trades, in the operation of factories or mills or any other employments especially related to the work of the position, and to ability to speak languages other than English."

The statement from Wisconsin was not in this tabulated form, but a letter from the secretary of the commission makes no mention of arithmetic, letterwriting or handwriting and indicates that six out of ten points are covered by an experience paper, the remaining four by written tests "for judgment, general knowledge of factory conditions, knowledge of the law and of the duties of a factory inspector under it." A comparison of the examination papers set in the three states bears out the conclusion one might draw from the methods of reckoning grades, that the Massachusetts commissioners make the largest allowances for "training and experience" which count one third in Massachusetts as against one fifth in New York. They count three fifths in Wisconsin, but this figure must be qualified since the experience paper is much more detailed and specific and in some degree tests technical knowledge. To quote again from the secretary's letter: "To give a written examination covering the various fields of knowledge, such as wood construction, plumbing, sanitation, electric wiring, dangerous machinery, etc., would be impracticable perhaps, and the experience paper, in some degree, remedies that defect. One who has had a special experience as shop foreman, mechanic or builder may be assumed in some degree to possess the technical knowledge requisite for the position."

But it is just such knowledge of building construction which Massachusetts tests through questions on "inspection duties" which count another one third in the total grade of an applicant for a position as a member of the inspection force. The board of ex miners includes an architect and the questions set have no small measure of technical difficulty. The 1909 examination includes thirty-three questions about "Z bar columns," "king-rods" and "double strut trusses," the majority of which would be unintelligible to the lay reader.[1]

Whatever else the Massachusetts examinations miss, they certainly presuppose a working knowledge of building materials and the methods by which they may safely be put together. That building construction is the most difficult subject technically with which inspectors deal may be admitted. But it seems a great weakness that no mention of other laws enters into the examination in Massachusetts. Tests for an applicant's ability to enforce laws on child labor and hours of labor, machinery guarding, systems and efficiency of sanitation, etc., cannot be put aside as either unimportant or impracticable. Such questions are habitually set in the other two states which place inspectors upon civil service lists.

The questions in Wisconsin, which count two fifths of the credits, cover (a) Factory and labor laws, and (b) Aim and methods of inspection, and are sufficiently searching as to both knowledge and judgment, while the questions of the experience paper are distinctly technical and bring this proportion much nearer the New York standard. The New York examination gives by far the greater weight to technical knowledge (7 out of 10 points). The questions are divided into two groups, one thoroughly testing a knowledge of law and the other its application.

Apparently, therefore, Massachusetts, by allowing two thirds of the points for experience, writing and arithmetic, and by limiting the technical examination to building construction, must fail to secure the requisite knowledge on the great bulk of factory law.

[1] The Massachusetts examination questions are not printed in the appendix to this study because the commission has decided not to foster "cramming" for future examinations by making such detailed questions public.

A few other differences between the states may be noted. Massachusetts and New York require inspectors to pass stringent physical examinations; Wisconsin does not. The especially close connection of academic interests, as represented by the University, with all phases of political life, is suggested by questions like these in the Wisconsin "experience" paper, questions with no parallel in Massachusetts or New York examinations: "What special educational training have you received in Sociology and Economics? State name of institution, courses pursued, length of time and degrees conferred." "Of what sociological, economic, or scientific magazines or journals are you at present a subscriber?"

The secretaries of the three civil service commissions express themselves as believing that the examinations set in their respective states are practical tests. The secretary in Wisconsin writes, "The results have steadily improved and we feel confident . . . that the service has steadily improved as a result of filling these positions by competitive examination;" the New York secretary, "We have found examinations for the position (deputy factory inspector) entirely practicable and satisfactory."

In states other than the three which have inspectors under the civil service there are seldom qualifications for office which have definite meaning. Five states[1] use the phrase "suitable person" or "competent person." Practical knowledge of factories is required in Kentucky and Minnesota. Ohio inspectors must be competent and practical mechanics, as must the assistant to the commissioner in New Jersey. The Oregon commissioner must have been a citizen of the state for five years. The most comprehensive portrayal of a state's aspirations is contained in the South Carolina statute, which requires that the commissioner shall be a man "of good moral character, and competent knowledge of agriculture, manufacturing, publicity, and general industries."

Another factor to be considered in regard to the efficiency of inspectors is the length of the terms they serve. Given an efficient inspector, one may presume that each added year of his service, up to the period of declining strength, makes him a more valuable

[1] Delaware, Michigan, New Jersey, Washington, West Virginia. See American Association for Labor Legislation, *Legislative Review*, No. 3.

public servant. Whatever may be lost of the superlative zeal with which men at times begin new work is more than counterbalanced by the increasing store of knowledge possessed by the experienced inspector. The qualification "up to the period of declining strength" should be emphasized, however. Inspection work makes heavy demands upon physical strength and mental alertness and it may well be that the period beyond which further years of active service do not add to a public employee's efficiency may arrive at a somewhat earlier age in factory inspection than it does for less active professions. The terms for which members of inspection forces are chosen will be summarized.[1] The various provisions taken together, cover the widest possible limits, from a single year to an indefinite term of years. Where the commissioner of labor has inspection under his department, his term is two years in eight states,[2] three years in one state,[3] four years in twelve states.[4] In fourteen of these states in which the deputy has charge of factory inspection, his term is unlimited by law in nine states.[5] It is fixed at two years in three states, Colorado, Kentucky and Minnesota, at three years in New Jersey and at four years in Oklahoma ("during the term of the governor"). In states having a separate department of factory inspection, the chief is chosen for four years in six states,[6] for two years in three states,[7] and for one year in Rhode Island. The terms of office of the deputy or assistant inspectors are not designated in nine[8] of the states with inspection under the bureau of labor; they are appointed "from time to time" or "as desired" in California and New York, "during the pleasure of the chief" or "as the commissioner desires" in Michigan, Washington and Wisconsin;[9] their term is to be the same as that of the deputy or assistant deputy in Minnesota (two years) and New Jersey (three years). In

[1] See American Association for Labor Legislation, *Legislative Review*, No. 3, column VI.

[2] Iowa, Kansas, Maryland, Michigan, Minnesota, Nebraska, Texas, Virginia.

[3] New Jersey.

[4] California, Colorado, Kentucky, Louisiana, Montana, New York, Oklahoma, Oregon, South Carolina, Washington, West Virginia, Wisconsin.

[5] California, Iowa, Kansas, Michigan (during pleasure of commissioner), Nebraska, New York (removable at pleasure of commissioner), Texas, Washington (as commissioner desires), Wisconsin.

[6] Connecticut, Illinois, Indiana, Missouri, Ohio, Pennsylvania.

[7] Delaware, Maine, Tennessee.

[8] Colorado, Iowa, Kansas, Kentucky, Maryland, Nebraska, Oregon, South Carolina, West Virginia.

[9] Under civil service regulations.

the states with factory inspection departments, the deputies are appointed for three years in Ohio[1] and for the same term as the chief in Maine.[2] Their term is not designated in Indiana. They are chosen "from time to time" in Connecticut, they serve "during efficient service" in Illinois, and are "removable by the inspector for just cause" in Missouri.

In Alabama, the single inspector of jails, almshouses, cotton mills and factories serves four years. In Massachusetts, inspectors of the district police are appointed for three years and inspectors of health for five years.

The actual terms served are greatly modified by the civil service in Massachusetts, New York and Wisconsin. The inspectors appointed are on probation for three months in New York and for six months in Massachusetts.[3] After the probationary period, appointments are considered permanent unless cause for removal appears. It is possible that custom does the work of the civil service in many other states in keeping efficient employees in office much longer than the terms stated by law.

The salaries of inspectors in various states[4] may be given as furnishing some very slight suggestion as to the probable ability of inspectors. Cost of living in different parts of the country should naturally be considered, but it is hard to see that the legislators or others who determined the salaries have considered it with any close consistency.

Where inspection is under the bureau of labor, the yearly salaries of the commissioners who supervise all the work of the bureau are as follows:

$800,	Virginia.
1,200,	Kentucky, West Virginia.
1,500,	Louisiana.
1,800,	Iowa.
1,900,	South Carolina.
2,000,	Kansas, Michigan, Oklahoma, Oregon, Texas.
2,400,	Washington.

[1] Chief is appointed for four years, therefore he seldom finds an entirely new force.

[2] No deputies yet appointed.

[3] The period of probation in France is one year. Weber, "Labor Legislation" in Bliss's *Encyclopedia of Social Reform*.

[4] See American Association for Labor Legislation, *Legislative Review*, No. 3, column VI.

$2,500,	Maryland, Nebraska, Montana.
2,600,	Minnesota.
3,000,	Colorado, California, Wisconsin.
3,500,	New Jersey.
5,000,	New York.

Of more value is the list of salaries of deputy commissioners or factory inspectors who assist the chief of the bureau in the following states:

$100 (per month),	Texas.
1,200,	Kentucky, Washington.
1,500,	Iowa, Kansas, Michigan, Nebraska, Oklahoma, Wisconsin.
1,800,	Minnesota.
2,000,	New Jersey — mercantile inspector in New York ("not over $2,000").
2,400,	California.
2,500,	Colorado.

"Not to exceed $3,000" ($2,700 in 1907), New York.

The chiefs of the factory inspection departments not connected with bureaus of labor receive, respectively:

$1,000,	Delaware, Maine.
1,200,	Tennessee.
1,800,	Indiana.
2,000,	Missouri, Rhode Island.
2,500,	Connecticut.
3,000,	Illinois.
5,000,	Pennsylvania.

It is hard to say just how the salaries of these chief inspectors should be compared with those of the commissioners and deputy commissioners in states which put inspection under the bureau of labor. Perhaps the fairest expectation would be that the salary of the head of an inspection bureau would be lower than that of a commissioner of labor in a corresponding state, but somewhat higher than that of a deputy commissioner. The salaries given more or less fulfill that expectation, with the exception of the salary

paid to the chief of the bureau of factory inspection in Pennsylvania, $5,000, a sum greater by $1,500 than that paid to any other official counted, except the commissioner of labor in New York, who is at the head of three other bureaus besides that concerned with factory inspection. The keenest recent critic of the Pennsylvania system of inspection, Mr. J. Lynn Barnard,[1] recommends the lowering of the chief inspector's salary to $3,500 and the raising of the salaries of the deputies. Others may contend that it is the salaries of the executive officers concerned with inspection in other states which are too low, not that in Pennsylvania which is too high. But at all events the disproportion, as compared with other states, is plainly evident.

Because of their different systems of organization, Alabama and Massachusetts must be given separately on this as on other points. The inspector of jails and factories in Alabama receives $2,400 a year. What proportion of that is for factory inspection it is impossible to compute. In Massachusetts, the chief of the district police receives $3,000 (not so high as that paid the commissioner in New York and the chief in Pennsylvania), the deputy chief of the inspection department $2,400, the chief of the boiler inspectors $2,000. The position most nearly comparable to that of chief of an inspection bureau or deputy commissioner of labor is that paying $2,400, less than those in Colorado, Connecticut, Illinois, or Pennsylvania, the same as that in California, more than the salaries paid in the middle western states or New Jersey.

The fact that they work under different systems of organization seems no reason for discussing separately the salaries of deputy inspectors. The following list gives the salaries of assistant or deputy factory inspectors in all states having them, exclusive of the inspectors of health in Massachusetts. The latter are paid from an appropriation of $25,000; their salaries are not fixed by law, but determined by the board of health in each case.

$2 a day, . . . Maine.
3 a day, . . . Michigan.
4 a day, . . . Washington.
5 a day, . . . California, Connecticut.

[1] *Factory Legislation and Administration in Pennsylvania*, p. 134.

100 a month,	Iowa, Texas (none yet appointed).
900 a year,	Maryland.
1,000 a year,	Kentucky, Indiana, 1st grade in New York.
1,200 a year,	Ohio, Pennsylvania, Colorado, Kansas, Wisconsin, 2d grade in New York.
1,250 a year,	Illinois (except attorney), female inspectors of district police in Massachusetts.
1,500 a year,	New Jersey, Rhode Island, attorney in Illinois, 3d grade in New York, male inspectors of district police in Massachusetts.

The table does not show the salaries of a few special inspectors which are not fixed by law.[1]

The salaries of the deputy inspectors may be compared with a greater degree of accuracy than those of the executive officers, because the positions are more closely similar. It will be seen that the men inspectors on the district police force in Massachusetts are as well paid as the deputies in any other state; the lower salaries of the two women are noticeable. The New York system of grading inspectors according to ability and length of service, with three salary levels, is worthy of consideration by other states.

Duties and Powers of Inspectors. A third measure of the value of work done by state inspectors is furnished by statutes showing the duties imposed and powers conferred upon them. Charts II and III present these duties and powers in detail for each of the thirty-three states which have state factory inspection. Any reader's interest in a particular state may be satisfied by an examination of the table as it stands. For those who seek to discern tendencies in different sections of the country and to discover the most satisfactory laws certain summaries will be given here, with the lists of states included in each case.

The feature of this legislation as presented in the charts, which is most noticeable upon even a cursory reading, is the fact that all this mass of provisions can be divided into two classes: laws which are obligatory and laws which are permissive. In general, laws imposing *duties* of inspection are more potent than those merely granting to inspectors the *power* to inspect or enforce but

[1] Such as the medical inspectors in New York, who received $2,400 in 1907, and the highest grade of health inspector in Massachusetts, who receives $2,500.

not requiring the use of that power. The one extreme is seen in the southern states with a very brief industrial history and the beginnings only of legislation on such questions; and the other extreme is found in the industrial states of the North, which most fully protect employees by law. The loosest possible provision is perhaps that of Arkansas,[1] which requires no enforcement at all of the child labor act but states that the children's employment certificates shall be "open to inspection by the grand juries or citizens of any county."

The main lines of an inspector's work are made obligatory in all states having labor codes that are at all fully developed. Some states even impose a penalty upon an inspector failing to carry out some important part of his work. Massachusetts declares that an inspector of factories and public buildings who "knowingly and wilfully" violates the law requiring him to enter complaint against any person illegally employing children may be punished by a fine of not more than $100. The same states which define the duties of inspectors rigidly have also permissive laws but they are usually of another sort. It may be said that the more "advanced" states make obligatory upon their inspectors all those things which are *permitted* in the less developed states. In addition, they confer permissive powers on questions requiring the inspector's individual judgment. This is most frequently done in New York. Inspectors there *may* enforce city ordinances as well as state laws, lighting of all vacant rooms in tenant factories, the whitewashing of walls, etc., when such action seems in their judgment needed and feasible. Massachusetts has some such permissive laws; her inspectors "may" demand the register of age and schooling certificates, order certain fire escapes, etc. But it is her usual custom to name as "duties" when possible, the functions of her inspectors of the district police. The provisions concerning the inspectors of health are strikingly different.[2] The section defining their work is put in mandatory form, to be

[1] Not included in table; has no state inspection. Arkansas Statutes, 1907, 456, May 29.

[2] Massachusetts Acts, 1907, 537, 3. "Every state inspector of health shall inform himself respecting the sanitary condition of his district and concerning all influences dangerous to the public health; . . . he shall gather all information possible concerning the prevalence of tuberculosis and other diseases dangerous to the public health within his district, shall disseminate knowledge as to the best methods of preventing the spread of such diseases, and shall take such steps as,

sure, but no attempt is made to state in any detail the methods to be employed in carrying out these exceedingly general directions. The potential authority of the inspectors of health under these general provisions can hardly be overestimated.

It must be remembered that legislators are often not so careful in discriminating between "duties" and "powers," between "shall" and "may" as this table is, and that the real difference rests largely with the inspectors. The granting of a *power* plus an efficient inspecting force may mean more than the conferring of many duties upon less capable or overworked inspectors. For that reason it has not seemed worth while to divide each of the following summaries into two divisions according to whether the inspectors enforce laws that are phrased in obligatory or in permissive form.

To take the charts as a whole, then, fourteen states[1] have general provisions either requiring or permitting inspectors to enforce all labor laws. This must be taken into account whenever any one of these states is found missing from lists of states putting the enforcement of definite laws into the hands of the inspectors.[2] So far as has been discovered Massachusetts has no such general provision.

In all thirty-three of the states included in Charts II and III, that is, wherever there is state inspection, the inspectors enforce child labor laws. They are specifically directed to enforce laws concerning hours of labor for women in sixteen states.[3] State inspectors enforce laws on the general subject of protection from accident in twenty-one states.[4] They are specifically required

after consultation with the state board of health and the local (health) authorities, shall be deemed advisable for their eradication; he shall inform himself concerning the health of all minors employed in factories within his district, and, whenever he may deem it advisable or necessary he shall call the ill health or physical unfitness of any minor to the attention of his or her parents or employers and of the state board of health."

[1] Alabama, Colorado, Connecticut, Illinois, Indiana, Kansas, Louisiana, Michigan, Minnesota, Missouri, New Jersey, Oregon, Washington, West Virginia.

[2] In such a case, it would be necessary simply to ascertain whether or not such a law exists in order to know that the inspectors enforce it. This is not shown by Charts II and III, since they cover only laws administered by state inspectors. Other laws touching conditions are not covered by this study.

[3] Colorado, Connecticut, Indiana, Kansas, Louisiana, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New York, Ohio, Oregon, Pennsylvania, Rhode Island, Washington.

[4] Connecticut, Illinois, Indiana, Iowa, Kansas, Louisiana, Maine, Maryland, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Washington, West Virginia, Wisconsin.

or empowered to inspect for the guarding of machinery in ten states,[1] for elevator guards in seven states;[2] for the safe condition of scaffolding used in the erection of buildings in seven states.[3] Ten states[4] give to factory inspectors the enforcement precautions against fire in places of employment. Massachusetts places upon her inspectors the duties of enforcement of all of these laws, namely, those regulating child labor, labor of women, protection from accident in general, guarding of machinery, guarding of elevators, safety of scaffolding and protection from fire.

The elaborate provision for inspection of steam boilers and engines by state inspectors in Massachusetts is not paralleled in any other state. In New York and Pennsylvania, boilers not subject to local laws are inspected by agents approved by the state, but not by members of a regular force employed by the state. In Michigan,[5] and possibly one or two other states, the supervision of boiler inspection by the state has been recently recommended. In Massachusetts, inspection by agents of approved boiler insurance companies is also permitted, but the state force of twenty boiler inspectors actually does a very good share of the work. Fees are charged, two dollars for external inspection, and the money so collected is turned into the treasury of the Commonwealth.

State inspectors examine for health conditions in places they enter in twenty-five states.[6] Particular laws direct them to enforce ventilation laws in six states,[7] and to examine for required dust removers in seven states,[8] and for seats for women employees in three states.[9] Five states[10] give to state inspectors the enforcement of laws concerning the payment of wages and, in some

[1] Colorado, Illinois, Iowa, Minnesota, Massachusetts, Ohio, Rhode Island, Tennessee, Washington, Wisconsin.

[2] Connecticut, Indiana, Kansas, Massachusetts, Michigan, Rhode Island, Wisconsin.

[3] California, Illinois, Indiana, Kansas, Massachusetts, New York, Wisconsin.

[4] Indiana, Iowa, Maine, Massachusetts, Michigan, Nebraska, New York, Pennsylvania, Rhode Island, Wisconsin.

[5] Report 1905.

[6] Alabama, California, Colorado, Connecticut, Indiana, Illinois, Iowa, Kansas, Kentucky, Maine, Massachusetts, Michigan, Minnesota, Nebraska, New Jersey, New York, Ohio, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Washington, West Virginia, Wisconsin.

[7] Indiana, Massachusetts, New Jersey, New York, Rhode Island, Washington.

[8] Connecticut, Illinois, Massachusetts, Missouri, New Jersey, New York, Ohio.

[9] Massachusetts, New Jersey, Ohio.

[10] Maine, Massachusetts, New Jersey, New York, Ohio.

cases, other laws affecting the labor contract. Massachusetts is included among the states making these requirements — thus enforcing laws as to health conditions, ventilation, dust removers, seats for women, payment of wages and labor contracts.

The rapid summary above does not attempt to bring out the position of other individual states, but it shows clearly that Massachusetts enforces through state inspectors laws of all kinds which any state gives into the hands of such officials and that this Commonwealth only employs inspectors of steam boilers.

The comprehensiveness of a state's provision for inspection is indicated by the number of kinds of establishments the inspectors enter as well as by the conditions examined in those places. Twenty-four states[1] have general provisions for state inspection wherever a condition or conditions for which the inspectors must look may be found. Chart IV shows under specific headings the various places of employment named by law which inspectors enter in each state. The group which most nearly includes all states with inspection systems is the one headed "manufacturing establishments." In thirty-one out of the thirty-three states, the inspectors are directed to examine factories. The exceptions are Texas and Montana. Both of these states have general statutes under which inspectors may enter factories. It is not strange that they are not named separately since neither state has a great number of such places. All but two of the states naming factories also mention workshops. The exceptions, in addition to Texas and Montana, are South Carolina and Alabama. Tenement workshops are separately named in twelve states.[2] Mines and quarries are examined by regular "factory inspectors" in seven states,[3] not including Massachusetts. Inspection of buildings, including hotels, places of amusement or buildings under construction, for protection from accident or fire is given to state officials in seventeen states,[4] including Massachusetts. Mercantile establish-

[1] Colorado, California, Delaware, Iowa, Kansas, Louisiana, Maine, Maryland, Minnesota Missouri, Montana, Nebraska, New York, Ohio, Oklahoma, Oregon, Pennsylvania, Rhode Island South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin.

[2] Connecticut, Illinois, Indiana, Maryland, Massachusetts, Michigan, Missouri, New Jersey, New York, Ohio, Pennsylvania, Wisconsin.

[3] Colorado, Iowa, Maine, Nebraska, New York, Virginia, Washington.

[4] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Kansas, Massachusetts, Michigan Minnesota, Missouri, Nebraska, New Jersey, New York, Ohio, Washington, Wisconsin.

ments, a term which in New York and Massachusetts covers laundries, are named in nineteen states,[1] warehouses or storehouses in five states,[2] offices in eight[3] states, and laundries[4] in nine states.[5] Bakeries and restaurants in eleven states[6] are inspected by state inspectors; foundries are specified as subject to state inspection in five states,[7] including Massachusetts.

On places inspected in regard to the conditions for which inspectors examine, Massachusetts has no single general law, but her specific laws appear to name every industry mentioned in any state which is well developed in the state, with the single exception of bakeries which are left to local boards of health.

Chart II presents also a large number of details concerning the methods and means employed in making effective the administration of labor laws. It is difficult to prove anything from most of these technical minutiæ, for the majority of the variations between the states are differences in custom or general legal procedure. But the extent to which requirement is made by statute has at present much bearing upon the efficiency and completeness of the inspection systems. The more important of the provisions will be summarized.

Inspectors are sometimes required to furnish copies of labor laws or abstracts from them to employers or others applying for them;[8] also blanks for reporting accidents,[9] blank employment certificates,[10] blank applications for tenement[11] or bakery[12] licenses. The most important of such documents are the time-schedules[13] showing the hours of labor for women and minors in the rooms

[1] California, Colorado, Connecticut, Illinois, Indiana, Iowa, Louisiana, Maryland, Massachusetts, Michigan, Minnesota, Missouri, New York, Ohio, Rhode Island, South Carolina, Virginia, Washington, Wisconsin.

[2] Connecticut, Missouri, Ohio, Oregon, Washington.

[3] Colorado, Illinois, Indiana, Maryland, Massachusetts, Ohio, Oregon, Washington.

[4] See also "mercantile establishments."

[5] Colorado, Illinois, Indiana, Massachusetts, Missouri, New York, Ohio, Oklahoma, Pennsylvania.

[6] Colorado, Connecticut, Indiana, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Washington, Wisconsin.

[7] Connecticut, Massachusetts, Oklahoma, Rhode Island, South Carolina.

[8] See Illinois, Indiana, Minnesota, New Jersey, New York, Oregon, Rhode Island, Washington West Virginia.

[9] See Connecticut, Ohio.

[10] Louisiana, Maine, Missouri, Pennsylvania.

[11] New York.

[12] Wisconsin.

[13] Connecticut, Kentucky, Maine, Minnesota, Missouri, Nebraska, New York, Ohio.

in which they are posted. The latter in Massachusetts are especially complete, showing the exact time of starting and stopping work as well as the total hours per day and week; also in factories the exact time for beginning and ending all stops for meals.[1] But inspectors in Massachusetts are not required by law to furnish any other blanks, and this weakness of the law may be responsible for the irregularity of procedure and lack of uniformity in dealing with infringements of the law. To it may also be attributed the failure of co-ordination between the departments.

In the comparatively few prosecutions for offences of labor laws in Massachusetts, the inspector bringing the complaint usually institutes the prosecution himself, although he may call upon the attorney-general for aid if he chooses. Few other states leave the decision on this point so largely to the inspectors. They are either required to prosecute directly[2] or merely to take affidavits — in some cases to issue subpœnas — then "request county attorney to proceed."[3] The latter provision is usually accompanied by one requiring the attorney to act upon the inspector's application to him. In Nebraska, Virginia, and Wisconsin inspectors must send formal notice of violations discovered. Inspectors give notice of alterations required for conformity with the law in Ohio, Kansas, Minnesota and Washington. Notices on scattering specific points are required in many other states.[4] In Massachusetts the law prescribes notices concerning defects in elevators or fire escapes only.

Inspectors are required to issue certificates of satisfactory conditions found upon inspection of bakeries in nine states,[5] not including Massachusetts, which does not direct inspectors to examine bakeries. Similar certificates are granted in California and Wisconsin, after an examination of scaffolding which is found in satisfactory condition, and in Colorado and Oregon, after in-

[1] In other places than factories, the *amount* of time allowed must be given, but the exact hour is not required, as it is in factories.

[2] Alabama, California, Indiana, Louisiana, Michigan, Missouri, New Jersey, New York, Pennsylvania, Rhode Island, Tennessee, West Virginia, on specific laws in some other states.

[3] Illinois, Indiana, Nebraska, Minnesota, Oklahoma, Oregon, Virginia, Washington, Wisconsin.

[4] Maine, California, Connecticut, Iowa, Illinois, Massachusetts, Michigan, Missouri, Nebraska, New York, Ohio, Oklahoma, Pennsylvania, Rhode Island, Tennessee, Washington.

[5] Connecticut, Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Washington, Wisconsin.

spection of machinery which might be dangerous to employees. Tenement manufacturing permits and certificates in cases in which the inspector judges fire escapes to be unnecessary are issued in Pennsylvania and in Massachusetts. Massachusetts also authorizes inspectors to issue moving picture machine licenses and certificates of exemption from requirements concerning meal hours for employees. The notable certificate provision which is worth consideration by other states is that of Washington. An inspector there after completing inspection of an establishment in which he has found satisfactory conditions issues a general certificate to that effect which is posted in the building. The certificate is revoked upon the discovery of the violation of any labor law.

Inspectors keep records of their work in various forms. They issue biennial reports in eight states,[1] annual reports in eighteen states,[2] including Massachusetts. They are required to record inspections and orders in Connecticut, Indiana, and Minnesota, and inspections in West Virginia. There are other miscellaneous requirements for the recording of accidents reported,[3] and of tenement licenses refused or revoked;[4] for filing duplicate employment certificates for employed children,[5] and of health records of tenements having licenses for manufacturing.[6] None of the records of inspections and orders or other records mentioned are required in Massachusetts. Annual or biennial reports are often issued in the form of reports to a governor or a state legislature.

Reports to other state officials are required in some instances. In some states, as before stated,[7] they report violations to the state's attorney of the locality. These are the only directions in which reporting to other departments is mentioned by law in many states. In a bare half-dozen,[8] including Massachusetts, is any reporting to local boards of health of conditions which might

[1] California, Iowa, Kentucky, Minnesota, Nebraska, Oregon, Washington, Wisconsin.

[2] Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Maine, Missouri, Michigan, New Jersey, New York, Ohio, Pennsylvania, Rhode Island, Tennessee, Virginia, West Virginia, Louisiana (to governor annually, by him to legislature biennially).

[3] Connecticut.

[4] New York.

[5] Maine, Montana, Louisiana, Wisconsin.

[6] New York.

[7] P. 256.

[8] Delaware, Illinois, Maine, Massachusetts, New York, Wisconsin.

come under their jurisdiction required by law. Certain violations of child labor laws are to be reported by inspectors to local school authorities in Minnesota, New Jersey, Rhode Island, and Wisconsin. In Massachusetts, however, such reporting is confined to the inspectors of health who have close relations with the state board and local boards of health, except for possible references of cases for prosecution to legal authorities by the district police inspectors.

On all these questions of method we must once more note the insufficiency of statutes for final measuring of efficiency. Administrative law has taken great strides in other departments in American government, state as well as national, and inspection bureaus undoubtedly make many rulings and establish customs with all the effect of law. There is nothing to prevent a chief inspector from sending out blanks or reporting violations to other public officials without waiting for special legal authorization. In Massachusetts more is left to the imagination or initiative of the inspectors on these detailed points than in other states. One piece of administrative method which might be worth copying if our inspection were so organized as to make its adoption feasible is the Washington plan noted above for granting certificates of compliance to places in which no violations of any labor law are found. By the simple device of removing the certificate, the inspector can indicate that a given establishment is below par.[1] But such a plan would operate with more difficulty in Massachusetts, where inspection work is not in charge of a single set of state inspectors.

Organization of Inspection. The fourth basis for comparing inspection in the different states rests upon the administration of labor laws by different systems which have been already outlined at various points in the preceding discussion. They will be presented briefly here as essential to an understanding of what is unique in the administration system in Massachusetts. Of the thirty-three states having state inspection, twenty-one[2] place it

[1] The owner or agent is of course allowed a hearing, if he disputes the justice of an inspector's action.

[2] California, Colorado, Iowa, Kansas, Kentucky, Louisiana, Maryland, Michigan, Minnesota, Montana, Nebraska, New Jersey, New York, Oklahoma, Oregon, South Carolina, Texas, Virginia, Washington, West Virginia, Wisconsin.

under a bureau of labor; ten[1] have separate departments of factory inspection; only Alabama and Massachusetts come under neither classification. The system in Alabama is too inclusive to be so classified for the single inspector examines jails and almshouses as well as factories. In Massachusetts state inspection is divided between thirty members of the inspection department of the district police and fourteen inspectors of health under the state board of health. The bureau of statistics, formerly the bureau of statistics of labor, is a separate department.

The first issue in the question of organization is one altogether unmentioned at present in Massachusetts, the desirability of associating statistical and inspection work in the same department. It has been done in other states from motives of economy, especially in the early days of the use of the bureau. The highest development of unified organization is reached in New York, where the commissioner of labor is at the head of a bureau of labor comprising four separate subordinate bureaus, those of statistics, factory inspection, mercantile inspection, and arbitration and conciliation. Supporters of this plan claim that some measure of increased efficiency results from the preparation of the statistical tables for factory inspectors' reports by members of the bureau of statistics, a plan which promises more complete and more accurate use of the material accumulated. The factory inspectors, in turn, may aid the bureau of statistics at times by gathering material desired by that bureau. But the difficult task of securing statistical evidence from employers is complicated if the employers believe that the information they give may be used in convicting them of violations of the law. The arrangement has been severely criticised in New York. Mr. Fairchild's careful study argues thus:[2] "Apart from the possible saving of expense there is very little to commend this action. The business of gathering statistics is an entirely distinct one from that of enforcing the law in factories, and each must interfere with the other when carried out under the authority of a single officer. In theory certainly the two departments should be entirely

[1] Connecticut, Delaware, Illinois, Indiana, Maine, Missouri, Ohio, Pennsylvania, Rhode Island, Tennessee.

[2] *The Factory Legislation of the State of New York*, p. 106.

independent. In practice the work of the factory inspectors in New York has been more or less interfered with. Inspectors appear quite often more anxious to secure the information desired by the statisticians of the department (of labor) than to see that the factory law is enforced." The former commissioner of labor in New York, P. Tecumseh Sherman, gives his approval[1] of the judgment passed by a foreign critic whom Mr. Sherman quotes as follows but does not name: "The combination does not seem to have fortunate results, for the two functions are apt to be inconsistent, the director of statistics needing the good will of manufacturers to obtain his information, while the inspector of factories is often obliged to harass these same manufacturers in order to enforce the law. The states which have obtained the best results . . . are those which have kept the two services separate." The commissioner adds: "Our experience confirms these conclusions. The efficiency of all our bureaus is impaired by their consolidation into one department."

A second issue in the organization of factory inspection in Massachusetts is the concentration of all state inspection under a single force. At present, inspection is conducted under two separate departments. The greater number of inspectors are organized under the district police, while the inspectors of health are under the state board of health. Massachusetts had a unified organization of all state inspection work under a section of the district police until 1907. In that year, after a state investigation had revealed frequent bad sanitary conditions, the inspectors of health were appointed under the state board of health. Their first published report shows valuable results in the promotion of health of employees, but there seems sufficient evidence that sanitation is better guarded only in those establishments which the limited time of the health inspectors permits them to visit. In the majority of places inspection for sanitation has been omitted altogether, as is proved by the small number of places actually visited, because of the pressure of duties in connection with licenses and examination of minors. But the protection of health of employees, especially of minors, and the greater ease in licensing of shops are important. Any endeavor to improve the adminis-

[1] New York State Department of Labor Commissioner's Report, I, p. 86.

tration of the laws should take care not to lose this great step forward. Other advantages of this double system concern the personnel of the inspecting forces. It is probable that physicians of a better grade accept appointments under a state board of health than it would be possible to secure under a bureau of factory inspection. Work under the state board may seem to them to offer greater professional prestige and to be rather less open to the charge of political connections associated in the minds of many people with appointments to state factory inspection bureaus. But the relations between the two bodies are very slight while their functions overlap, are not logically apportioned and often conflict. To suggest the difficulties which result would mean the presentation of hearsay evidence and statements made in confidence. But the feeling on the part of many interested persons that the system lacks effectiveness is general though vague.

Not only have we at present two forces but on several points their work is not divided according to the subjects they are supposed to understand. The district police exercise powers touching health conditions. They are instructed to inspect sanitary, ventilating, and heating provisions in public buildings and schoolhouses, while these duties belong to health inspectors in factories and workshops; the inspectors of health may make examination of conditions in schoolhouses when the health of the pupils requires, but only the police have authority to order any changes. The police enforce the laws for cleanliness and the provision of toilet rooms in stores and offices. In factories and workshops, where the inspectors of health and not the district police are instructed to enforce health laws, orders given by health inspectors must not be such that they can be construed to "involve structural changes." Such orders for all places must emanate from the district police, even though the changes concern the betterment of health conditions only. On the other hand, the health inspectors examine factories for dust-removing devices and guards on emery wheels — mechanical apparatus which may be more readily understood by the inspectors of the district police who are accustomed to examine machinery for proper guarding to prevent accident. Finally, plans for new buildings are submitted to the police only

(according to law), although the nature of those plans involves the efficiency or inefficiency of ventilating and lighting systems and the location of toilet rooms planned for the new buildings. In actual practice, this lack of legal authority on many points has proved less hampering to the inspectors of health than might have been expected. Suggestions and recommendations have often proved as effective as orders. Some manufacturers have even brought plans of new buildings to the inspectors of health for criticism. But the personal confidence which some of the health inspectors have succeeded in securing from employers does not make less desirable a system which would place authority for each kind of work in the body created to do that work.

Not only is there this confusion of duties and powers between the two bodies, but curiously the inspection duties are a secondary function of both the department of health and of the district police. This result is that the inspectors under each board are often given other duties than those presumably belonging to inspection. Thus, the health inspectors have frequent obligations of conference with local boards or independent activities as to contagious diseases. The other inspectors on the other hand may be and often are detailed for detective duties, regulation of moving picture shows, or similar police duties. Such separately organized groups of inspectors cannot give the best of service, and consequently a means of mutual understanding much greater than that which now exists between the district police and the inspectors of health is imperative.

The most recent researches everywhere emphasize the health element in all questions of employment. The new studies in the economics of fatigue and the relative dangers of various processes for women and children reveal the intricate relation between health laws and "hour, age, and safety" laws — the two divisions of labor legislation which Massachusetts has recognized in inspection. The number of hours a man or woman may healthfully work and the age at which a child may safely begin to work depend largely upon the conditions under which the work must be done. They are not absolute, but variable, periods. If a kind of sliding scale of time-limits is ever worked out, whether it becomes legally obligatory or is but suggestive and advisory

to employers and organized employees, the men who understand "health" conditions in the old sense of sanitation and the men concerned with laws as to hours, ages, and safety must work in harmony. For the accumulation of facts which may serve as a basis for farseeing and constructive legislation the physicians and the men with long knowledge of practical conditions, the health inspectors and the police inspectors of hours and safety must ultimately "get together."

The appointment of physicians only for health inspection was recently deplored by the Boston Central Labor Union;[1] it was contended that the sanitary inspection force should include practical mechanics whose past experience made them competent judges of the value of mechanical devices for dust removal, etc. In England, "assistant industrial workingmen inspectors" have been appointed[2] to put such practical knowledge at the disposal of the inspecting force. It may be said that none of the devices used are too difficult for any man of intelligence to understand after some study.

It would seem that efficiency might be achieved through a combination of inspection under a single body or head, retaining functions of examination and care of employees' health in physician's hands. These officials might at the same time give sufficient attention to quasi health duties, which do not require expert medical skill, so as to secure administration of laws of sanitation, age limitations, and hours of labor.

In favor of reorganization of all inspecting forces, under either of the bodies at present concerned with the work or under a newly-formed bureau or department of factory and mercantile inspection, a simple but cogent argument is that such unified organization promises economy of administration. No other state maintains two separate sets of inspectors.

6. Conclusion.

Massachusetts, like most of our industrial states, has made headway slowly in the development of efficient systems of administration of the law. It is not to other states of the Union

[1] See *Boston Evening Globe*, 1910.

[2] See article by Miss Anderson, principal lady inspector of factories, in *Women in Industry*, edited by Shackleton, p. 164.

that one must look for a model toward which to reconstruct existing methods, but rather to European states. It is in those countries that law not only exists but means of effectively enforcing the law have also been developed.

Not only in her laws regulating conditions of labor, but in laws requiring their enforcement, does Massachusetts seem to stand toward the top in the United States. But she has fallen far behind our other states in providing the machinery for enforcing those laws. Just what her comparative position is and wherein her laws providing for a system of enforcement are deficient may be summarized as follows:

1. *The penalties imposed* have as wide an application as in any state, but they are very low in amount for infringement of child labor, sanitation, employment of women laws and those requiring accidents to be reported. The form of minimum statements in New York or the amounts provided in Ohio and Pennsylvania promise greater effectiveness. The general policy of "settling cases out of court" is to be commended, but it is possible that somewhat more frequent prosecutions of violations of the law in Massachusetts would produce further wholesome respect for the law.

2. *The relation between local and state inspection* is confused and difficult of solution as is this problem in all lines of government in the Commonwealth. The health officials and truant officers are the chief local bodies whose relation to state authorities should be clearly defined, and if the strong tendency to centralization in the state departments seen in England and our more progressive states proves most effective, the issue should be faced squarely in Massachusetts. An illustration of the existing confusion is seen in the matters relating to receptacles for expectoration. At present, the receptacles for expectoration and the medical and surgical kits required by law in factories must be approved by local boards of health. The state inspectors of health are permitted by law and required by order of the state board to report the absence of such equipment to local boards of health, but orders for their introduction may come only from the local boards. There would be two advantages in allowing the inspectors of health to order directly the installation of the articles

needed: they would be introduced much more quickly and, secondly, the kind and quantity needed in a particular factory could be better judged by the state inspector because his experience gives him acquaintance with the practice in factories throughout a wide district.

3. *The amount of inspection provided* is inadequate. The greater part of inspection is at present practically on complaint only. Small shops are seldom inspected. Both the inspectors under the board of health and those under the district police have or may have other duties. Even without this handicap the number of inspectors is inadequate in proportion to the number of industrial establishments and workers in the state and the scattered location of the industries.

4. *The civil service tests* are not calculated to secure men who are fitted for the especial duties imposed upon them. There is too large an allowance for "writing and arithmetic," "training and experience," and examinations in the technical subject of building and construction, counting one third only, are not sufficient to assure knowledge of the great body of labor law. Women inspectors have no examinations. Such progressive states as Wisconsin and New York teach much in this regard.

5. *Salaries of inspectors of the district police might well be graded,* as are the salaries of inspectors of health at present. The latter receive amounts varying from $720 to $2,500 per year; the salary of each inspector is determined by the board of health according to the amount of time which must be given to the work in each district and with some consideration also of the inspector's special ability and experience. But all men factory inspectors of the district police receive the same amount — $1,500 per year. All are expected to give full time to the work, but there might still be differentiation according to training and length of service. Inspectors in New York are divided into three salary groups on these bases, at $1,000, $1,250 and $1,500 per year.

6. *The application of certain laws should be extended.* The laws requiring good ventilation, good light and drinking water are illogically confined in their application to factories and workshops; they should cover mercantile establishments also. It has been assumed that stores are kept well ventilated and well lighted

for the attraction of customers, but this is by no means always true. Good drinking water is as much needed by employees in a store as in a factory. Health conditions may show a higher average in stores than in factories, but cases of bad conditions in stores certainly exist and these might perfectly well be made illegal by a simple extension of present laws.

The imposition of the duty of regular inspection at specified stated intervals as in Colorado, Oregon, Washington, and West Virginia, and the inclusion of small shops would require an increase in the force, although better and more economical adjustments of inspector's time and duties doubtless would make some extension of duties possible.

7. *A system of reports and other records* is not provided for by law and apparently has not been introduced in Massachusetts as effectively as in other states, — Wisconsin and Washington. That there is a lack of uniformity in the several districts is apparent. Thus there are no reports to local school authorities. The evidence is strong that those requirements which have been made such as for posting of notices and lists of minors are not fully enforced. Similarly the failure to follow uniform proceedings as to prosecution of infringements of the laws is noticeable. A system of listing all places subject to inspection, although its value is most apparent, may not be expected, as it is not to be found in any state of the Union. For Massachusetts to introduce from Germany such a scheme would be appropriate to her general character as leader in industrial legislation.

8. *Factory inspection from the beginning has been imposed* upon departments and officers having other primary duties. The most recent illustration is seen in the imposition of licensing and inspecting moving picture shows upon the inspectors of the district police. No other state has two departments with such duties. That there may to-day be different officers visiting one establishment is due to this origin of the inspecting system, and its fungus-like attachment to other departments. To-day an employer may be compelled to extend the courtesy of his factory or workshop to a procession of inspectors: a building inspector, a boiler inspector, a police inspector for machinery, a state health inspector for sanitation, health of employees, a local health

inspector, a truant officer. This confusion can only be avoided by the development of a principle, which is making its way in other states, such as Wisconsin and in foreign nations, in the specialization of industries by inspectors. Thus those industries requiring more attention to sanitary and health questions, such as bakeries, candy factories, and manufactories of other food products might require an inspector with larger knowledge of industrial hygiene; those industries in which large and heavy machinery is installed, such as machine shops, falling to the lot of an inspector versed in mechanics. Such division of the field rather than a geographical distribution might thus afford more efficient and instructive supervision, at the same time saving both inspectors and employers from duplication of visits.

The study of accidents and the system of reporting is one also of great importance. In England,[1] accidents and cases of industrial poisoning are reported to the certifying surgeons whose work in some measure corresponds to that of our inspectors of health. The frequency of accident is closely related to the physical condition of the workers. Foreign studies show that accidents are more frequent at hours of the day and periods in the week when employees are most tired; it is time that similar studies should be made in Massachusetts. Deplorably little use is at present made of accident statistics in Massachusetts, a condition likely to continue as long as accidents are reported only to the district police who labor under the double burden of inexperience in the use of statistics and great pressure of work. It is possible, therefore, that accidents should be reported for statistical purposes to still a third body, the bureau of statistics.

The importance of health questions should by no means be overlooked in any system of reorganization. The general average of conditions in workshops is probably below that in factories; the conditions in mercantile establishments may rank somewhat higher, but the number of minors seen in stores who do not look physically vigorous is certainly sufficient to warrant allowing their examination. It may be that while children should receive first attention not only minors but adults should be subject to physical examination by the inspectors of health.

[1] See article on "Factory Legislation" by Weber in Bliss's *Encyclopedia of Social Reform*, 1909.

If Dr. Holmes's saying, "It matters not so much where a man stands as in what direction he is moving," be taken as true also of states, we must look upon one phase of development in Massachusetts as especially important. Most of her older laws concerning child labor, hours, etc., were definitely stated and applicable to all cases in unvarying fashion. Much of the newer legislation is phrased in more general terms and inspectors are permitted much greater latitude as to its enforcement in detail. This great issue of general versus specific laws, leaving respectively much or little to the discretion of individual factory inspectors or of inspection departments has developed two schools of theorists on labor legislation and resulted throughout countries having such legislation in laws which may be roughly divided into two groups on this issue. People who advocate concrete laws say that only a specific legal statement in black and white gives an inspector sufficient backing to enable him to force obedience on the part of an unwilling employer. Those who believe in legislation of a more general nature argue that any stated minimum of good conditions tends to become the average, while a tactful inspector enforcing a general law can keep the minimum in the few "bad" places about as high and, at the same time, secure in most places conditions far above anything which could reasonably be set by a rigid law as the standard.

Advocates of general laws sometimes favor their modification by definite rules put forth from time to time by factory inspection departments. These rules can be altered to suit rapidly changing conditions much more quickly than state laws can be amended by legislative voting. The General Court of Massachusetts for 1910 passed a law prohibiting the employment of minors in dangerous trades which interestingly illustrates this method. Instead of naming the trades, the law empowers the state board of health to declare what specific processes are too dangerous for minors. The board issued its first list in July. This list is subject to modification by the board at any time and the name of a given process can be added or dropped without awaiting assembly and action on the part of the General Court. This possibility of rapid action spurs employers to prompt improvement of processes which they wish dropped from the "dangerous" list; it makes

possible the immediate addition of newly invented processes which are unsafe for minors. The Home Secretary in England is allowed to make detailed rules for dangerous trades[1] which have all the effect of law if not acted upon adversely by Parliament within forty days.

The tendency toward less rigid enactments by the legislature in Massachusetts is best seen in the sanitary laws enforced by the inspectors of health. They are required to see that[2] "factories shall be well lighted and well ventilated and kept clean." The law does not say how many windows or how many candle power of artificial light shall be required in a factory of given size; it does not state the number of cubic feet of space per person required[3] nor the proportion of carbon dioxide allowed in the air; it defines no mathematical measure of cleanliness. The General Court did not "make an otherwise good law cumbersome and unpractical by crowding it with useless detail," to use the words of Mr. Alba M. Edwards in his *Labor Legislation in Connecticut*,[4] in approving a similar feature in certain laws in that state. The same principle is stated by another recent study, *Factory Legislation of Rhode Island*, by Mr. John Ker Towles.[5] "This indefiniteness of the law is an advantage in that it allows the inspector to adjust his orders to the needs of the occasion. Conditions vary with the different mills, so that it may be best to leave to the judgment of the inspector what changes are required. A manufacturer would regard as a great hardship an order requiring him suddenly to bring an old mill up to a fixed standard, whereas an official possessing tact and firmness could cause the employer gradually to improve the conditions." Mr. Towles thinks, however, that such general statutes make "too much depend upon the character of the inspector" and finally concludes in favor of "certain minimum standards of health and safety."

[1] See article on "Factory Legislation; Great Britain," by Weber in *Encyclopedia of Social Reform*, Bliss, 1909.

[2] Acts, 1909, 514.

[3] This is the most frequent specific provision, usually requiring 250 cu. ft. per person, sometimes (New York, Ohio, New Jersey) 400 cu. ft. during night work. See Indiana, An. S. 7087; Michigan, 1901, Act 113, sec. 17, as amended by 1907, 169, 250; New Jersey, 1904, 64, 19; New York, p. 2089 and ff, sec. 85; Ohio, An. S. 4364-81; Pennsylvania, Dig. 1893-1903, p. 825, par. 2.

[4] P. 260.

[5] P. 88.

The inspectors of health in Massachusetts set for themselves a standard of a non-mathematical sort higher than that which any detailed statute would fix. In their first annual report for 1907-08,[1] their criterion is thus stated, " The Inspectors of Health used as standards the conditions which they found existing in those factories and workshops carrying on similar business in similar buildings within the Commonwealth where the health and welfare of the working people were most completely protected." With such general laws for factory inspection as with the commission system of governing cities, efficient men are essential; with those secured, better results follow from the less exact provisions of health legislation in Massachusetts. Health questions lend themselves most easily to this sort of administration, but it is thoroughly possible that more field for exercising the inspector's judgment as to the ordering of machinery guards and fire escapes and the determination of hours of labor may be disclosed with the increase of confidence in the ability and fairness of inspectors.

An important tendency to be noted in Massachusetts labor legislation marks a radical change in the theory upon which all inspection is conducted. In so far as officials make inspections on their own initiative and do not act upon *complaints* only, the whole question of enforcement is put in large measure upon a new basis. An inspector with official right of entry to all establishments is not only, perhaps not chiefly, a detective of violations of the laws; he becomes a peripatetic industrial educator, carrying from place to place news of improvements, large and small, which will better conditions for employees with the least trouble or expense on the employer's part.[2] In time the employer may receive the state inspector in much the same way as he receives representatives of the fire or accident insurance companies whose policies he carries. From each the employer has a right to expect not only a statement of particulars on which his establishment is below par, but suggestions also of any possible improvements, often of a minor sort, at points where he is not necessarily violating any statute.

[1] P. 10.

[2] Illustration of possible items: A clever foreman in a Brockton shoe factory put long strips of cheesecloth at lower sashes of windows, which could thus be opened without so strong draft on hands of workers. This could be done anywhere.

In an article on the "Factory and Workshop," included in a new collection, *Woman in Industry*, Miss Anderson, chief lady inspector in England, confirms this conclusion by saying of the English system: "In general the position and influence of the inspectorate has immensely changed. Instead of being in principle a kind of magistrate or magistrate's agent they have become in principle largely a kind of general skilled adviser, a kind of human dictionary in matters of industrial health and standards."

NOTE. The commission to investigate the Inspection of Factories, etc., appointed in 1910, has reported an excellent bill just as this volume goes to the press. It is reprinted in Appendix B, pages 285 to 289, following.[1] [Editor.]

[1] See *Report of the Commission to investigate the Inspection of Factories, Workshops, Mercantile Establishments and other Buildings*, 1911.

APPENDICES

APPENDIX A

STATE OF NEW YORK

Civil Service Examinations — State and County Service
January 22, 1910

List of Positions and Requirements.

9. Deputy Factory Inspector or Deputy Mercantile Inspector, Department of Labor. $1,000. Open to men and women. . . . The bulk of the work of the Department is in the tenement-house districts of the large cities and involves constant climbing of stairs, exposure to weather and unusual exposure to disease. In order to insure ability to work under these conditions, candidates will be given a medical examination by the Commission's examiners, who will be instructed to reject all candidates of impaired physical powers or suffering from disease of any kind.

Examination for Deputy Factory Inspector.

I.

1. Add the following and from the sum subtract 74,297,869:

64,298,317
8,097,121
35,283,916
62,194,727
33,284,194
8,278,194
48,916
27,719,289
1,118,903
6,732
82,918,334
19,716,279

2. If 1962 barrels of potatoes can be bought for $7357.50, how much will 486 barrels cost at the same rate?
3. Find the total cost of
   1789⅞ yds. of cloth at $0.03 a yd.,
   893⁵⁄₁₂ bu. of beans at $1.89 a bu.,
   1962½ lbs. of sugar at $0.04 a lb.,
   7384 bu. of potatoes at $1.03 a bu.
4. How many cubic feet of air in a room 15½ yds. long, 14 yds. wide and 3½ yds. high, and how many persons can be employed therein if 260 cubic feet of space are allowed for each person?
5. A man receives a salary of $83⅓ per month. How long will it take him to pay for a house costing $2500 if his yearly expenses average $600?

II.

1. Describe the organization of the Department of Labor. How are appointments made therein? What is the general purpose of the State in maintaining such a department?
2. Give the functions of (*a*) the Bureau of Factory Inspection, (*b*) the Bureau of Mercantile Inspection.
3. Give the provisions of the labor law relating to (*a*) hours of labor, with the exceptions thereto, (*b*) wages. What is the purpose of these provisions? What kind of public employment is exempted from the application of these restrictions and why?
4. What are the provisions of the labor law in relation to the safety of persons employed in the construction, repair or renovating of buildings?
5. Define the following terms as used in the labor law: (*a*) factory, (*b*) tenant-factory, (*c*) mercantile establishment.
6. State concisely the provisions of the labor law relating to the employment of children in (*a*) factories, (*b*) mercantile establishments. Why these provisions?
7. What are the provisions of the labor law relating to the employment of women in (*a*) factories, (*b*) mercantile establishments?
8. State briefly the provisions of the labor law relating to the safety of life and limb of factory employees.
9. What provisions are made in the labor law for the health and comfort of employees in (*a*) factories, (*b*) mercantile establiahments.
10. What are the powers of the Commissioner of Labor with reference to unsanitary conditions in (*a*) tenant-factories, (*b*) bakeries?
11. What are the powers of the Commissioner of Labor relative to tenement houses?

12. What class of employees are excluded from employment upon public works in this State? What further provision is there relative to preference in employment upon such works?

III.

1–2. A complaint, received by the Commissioner of Labor alleging that a contractor for the erection of a state armory is violating the labor law by requiring his employees to work ten hours a day, has been referred to you for investigation. Prepare a report sustaining the complaint, and describing the facts in detail. Support your report with the sworn statements of two of the contractor's workmen who have been required to work more than eight hours a day.

3. John Smith is charged with employing children in his factory after 5 P.M. How would you obtain evidence against him with a view to his prosecution? What evidence and how much would you consider necessary?

4. What is (*a*) a line shaft, (*b*) a counter shaft, (*c*) an idler or loose pulley and a belt shifter?

5. Supplying all necessary facts, give an outline of the inspection of a machine shop containing dangerous machinery upon which boys under 16 years of age are employed. Give in connection therewith such orders as may be necessary to remedy conditions found in violation of law.

6. Supplying necessary facts, give an outline of the inspection of a knitting mill employing a large number of women and children. Assuming that the sanitary requirements for the health and comfort of employees have not been complied with, give orders to correct the defects in accordance with the law.

7. Suppose on inspecting a paper box factory in a tenant-factory you find that the floors and toilets are in a filthy condition, that the air in workrooms is superheated and charged with unpleasant odors and that all windows are closed. Indicate the course to be taken to remedy the conditions.

8. Describe in detail the particular elements of danger of physical injury in connection with the operation of power-driven machinery while entirely devoid of safeguards. Indicate how the danger may be practically overcome without interfering with the utility of such machine. Name several power-driven machines, describing the danger from each and the method of guarding against accident.

EXAMINATION FOR DEPUTY FACTORY INSPECTOR. (AUGUST 24, 1907.)

I.

1. Give the substance of the amendment to the labor law passed by the last Legislature relative to telegraph and telephone operators and signalmen. What is the purpose of this amendment?
2. What provision does the law make for the protection of employees who have to use scaffolding for building purposes? How is this provision enforced?
3. How much space must be allowed in a factory workroom for each employee and what provision is made for its ventilation?
4. State the provisions of the law relative to the employment of women and children at polishing and buffing.
5. Define a "tenant-factory" as used in the labor law. Who is responsible for the observance of the law in such tenant-factories?
6. Name at least ten articles to manufacture which a tenement house must secure a license. How is such a license secured?
7. State at least two provisions of the labor law relative to the buildings, etc., occupied by bakeries.
8. What provision does the labor law make relative to the inspection of boilers in factories and what boiler equipment or equipments are required?
9–10. State in full the main provisions of the labor law relative to the employment of minors. What must the certificate of employment required of minors contain and how is it issued?

II.

1. Assuming that you have been assigned to investigate a case of alleged violation of the law regulating the construction of fire escapes, and have made your investigation, write a report of the same to the Commissioner of Labor.
2. What would you do if you as an inspector found a boiler in use in a factory in a dangerous condition?
3. State definitely the course you would take if you were sent to inspect an establishment claiming to manufacture "tenement made articles."
4. If you were sent to inspect a shirt factory what points would you especially notice? State definitely and fully.

5. State the objects sought to be attained by an enforcement of the factory inspection law.
6. Draw up an affidavit charging John Doe with violation of the provisions of the law forbidding the employment in factories of children under 14 years of age.
7. (*a*) What parts would you especially notice in inspecting the machinery used in a woodworking factory?
   (*b*) In a steam laundry?
8. What points would you look into in inspecting a passenger elevator?
9. (*a*) What course should an inspector take in case he discovers evidence of a contagious disease in a tenant factory where clothes are being made?
   (*b*) What diseases do you class as contagious?
10. What are the requirements of good ventilation and how would you determine whether or not a room was properly ventilated?

STATE OF WISCONSIN

Civil Service Examination for Deputy Factory Inspector. (Preliminary Paper, October 2, 1909.)

1. State the extent of your general education.
2. What special educational training have you received in sociology and economics? State name of institution, courses pursued, length of time and degrees conferred.
3. In what occupation or occupations have you been employed during the past ten years? Where? By whom employed? At what salary? Length of time in each position?
4. If you have held more than one position during the past ten years, state the reason for leaving the position or positions held by you.
5. Are you now employed? If not, why? Were you ever dismissed from service? If so, why?
6. If you have not already done so in Question 3, state fully your experience as factory superintendent, foreman, or machine operator, including:
   (*a*) your experience in factory inspection;
   (*b*) the number of men in your employ or under your supervision;
   (*c*) the location, name and owner and kind of goods manufactured at each factory in which you worked;
   (*d*) the title of your position, and the duties you had to perform.

7. Which of the following points in factory inspection do you feel especially well qualified to inspect:
   (*a*) engines and boilers;
   (*b*) machinery { elevators, automatic sprinklers, emery wheels, polishing wheels, etc.;
   (*c*) building construction for ventilation, sanitation and safety;
   (*d*) child labor.
8. What physical defect, if any, have you?
9. Are you able to endure the hardships of travel and active life which a factory inspector must undergo in order to perform his duties faithfully?
10. Of what sociological, economic or scientific magazines or journals are you at present a subscriber?
11. In case you pass this examination, will you keep the Commission informed of any change in your postoffice address during the coming year?

    Is it understood by you that your failure to do so will be sufficient cause for dropping your name from the eligible list?

EXAMINATION FOR POSITION OF DEPUTY (ASSISTANT) FACTORY INSPECTOR. (OCTOBER 2, 1909.)

(*a*) Factory and labor laws.
(*b*) Aims and methods of inspection.

1. What dangerous machinery requires guarding?
2-3. What would you do as assistant factory inspector in each of the following cases:
   (*a*) Suppose a child under 16 years of age represents himself to be over 16 years of age. He makes this representation without the knowledge or consent of his parents, and is found working one or two hours overtime.
   (*b*) An employee has removed the guard on the gearing of a machine and is operating the machine with the guard so removed. The employee himself is alone responsible for this violation.
   (*c*) A large five story building, housing 180 people on the third and fourth floors, has ample stairways, but so situated as to make it probable that the people on the third and fourth floors would not be able to escape by way of the staircases in the event of a fire. There is one perpendicular ladder on the outside at the end of the building.

(*d*) A factory owner tells you that the state labor law is oppressive and that factory inspection by you is needless.

(*e*) A factory owner is opposed to the law requiring protection of dangerous machinery.

(*f*) A factory owner says to you that his factory is exactly in the same condition as it was when you inspected it a year ago and is unwilling to have another inspection made.

(*g*) He offers you blue prints of his factory in place of an actual inspection.

(*h*) The owner tries to dissuade you from making out an order on the ground that to comply with the order will be a financial loss to him.

4. Discuss in three or four hundred words at least one of the following topics:

(*a*) What in general is the purpose of the factory laws and factory inspection? Does the Wisconsin factory law reasonably satisfy this purpose?

(*b*) Industrial liability insurance.

5. (*a*) What conditions justify the inspector in issuing a permit to a child to leave school to enter some gainful occupation? In general, what conditions justify an inspector in refusing to issue such permit?

(*b*) Define sweat shop, employer, employee, affidavit, sanitation.

6. How would you proceed to prosecute an employer who has violated the child labor law?

7. The grinding and polishing room of a factory contains the following solid emery wheels:

2 six inch, 2 eight inch, 4 twelve inch, 4 twenty-four inch and 2 thirty inch wheels.

Order a complete blower system for this room showing size of suction pipes required for the different sized wheels, the proper diameter of main suction pipe leading to the exhaust fan and from exhaust fan to dust receptacle.

Give the proper angle at which smaller pipes should enter the main trunk pipe and the velocity of air to be produced by the exhaust fan.

8. (*a*) What evidence would lead you to suspect defective plumbing in a building?

(*b*) How would you test the plumbing in an old building of medium size?

9. An inspector receives a salary of $1200 per annum and expenses. During the month of June, 1909, he was on the road 23½ days. His hotel bill averaged $2.50 a day and he traveled by rail an average of 25 miles a day at an average expense of 2½ cents a mile. Find his total bill for salary and expenses for the month.
10. At an election A. and B. were the only candidates. The whole vote cast was 6235 and A. was elected by a majority of 647. How many votes did each candidate receive?

EXAMINATION IN FACTORY AND LABOR LAWS, INCLUDING AIMS AND METHODS OF INSPECTION FOR DEPUTY FACTORY INSPECTORS, 1905.

1. In inspecting the planing mill of John Doe, employing six men, what would you report to the Commissioner of Labor and Industrial Statistics?
2. Describe what you would consider an ideal furniture factory employing about 150 persons.
3. What authority can a factory inspector exercise over cigar factories?
4. What relation, if any, exists between the Bureau of Labor and Industrial Statistics and Boards of Health?
5. What do you understand by sweat-shops and what authority, if any, can an inspector exercise over them?
6. What is meant by set-screw, fly-wheel, polishing wheel, cabal, automatic sprinkler, jointer, chuck, rheostat, counterweight, worm-gear, sprocket and cam.
7. Give in substance the law governing fire escapes. Give the substance of the law governing emery wheels.

A factory inspector visits a three story building used as a wagon factory. This building is 100 ft. long, and 50 ft. wide. The floors, ceiling and siding are made of inch pine lumber, and the studding and joists of 2 x 6 hemlock. The floor joists are placed 16 in. apart and run crosswise of the building. These are supported by two rows of substantial stringers running lengthwise. There are five windows 22 x 48 in. located at convenient distances apart on each side of the first floor, and four windows on each side of the other two floors. Each floor is but a single room. There is one stairway on each floor located at one end of the building as the means of reaching the second and third stories. The basement of this building is used as a foundry and blacksmith shop, where 30 men are employed. This basement is provided with a door

10 ft. wide, located at one end, and two windows on each side 2 ft. square On the first floor there is a sufficient number of woodworking machines and work benches to keep 60 men, and ten boys between 12 and 16 years of age, at work the entire time. On the second floor the inspector found 30 men and 25 boys ranging from 12 to 15 years of age, employed. The third floor is used as a paint-shop and for storing lumber. Here the inspector found 30 men employed. The employees enter the building through a door 2½ ft. by 7 ft. located on the first floor in the end of the building opposite the stairway. This door swings inward. The inspector found no guards on dangerous machinery beyond what is ordinarily placed on such machines in the factory where they are made. The shavings and other offal from the machines were swept up once a day after working hours, and thrown out of the window and hauled away in wagons.

1. Give in detail any violation of the law which you discover in the above described factory.
2. What action, if any, should have been taken by the inspector? Put yourself in the place of the above inspector and state what you would do to secure a compliance with law.

EXAMINATION FOR POSITION OF WOMAN FACTORY INSPECTOR. (AUGUST 10, 1907.)

1. Give a synopsis of the Wisconsin laws providing for inspecting and regulating the construction of tenement houses.
2. (*a*) Give the names of 15 machines which it is illegal for children under 16 years to operate.
   (*b*) Name 3 industries in which children under 16 years are forbidden to be employed.
3. (*a*) Give the names of 12 manufacturing cities of Wisconsin having a population exceeding 10,000.
   (*b*) What are the principal industries in each of these cities?
   (*c*) Upon what railroad or railroads are they located?
4. State the provisions of the law governing fire escapes.
5. What do you understand by sweat shops and what authority, if any, can an inspector exercise over them?
6. Describe what you would consider an ideal knitting mill in which 150 persons are employed, both men and women.
7. What relation, if any, exists between the Bureau of Labor and Industrial Statistics and Boards of Health?

Subjects for Thesis.

1. The effect of the increase of women factory workers on the Home.
2. Piece work and speeding up in relation to the health of factory women.
3. Give an outline of some sociological investigation you have made or believe should be made.
   Outline in detail your method of conducting such investigation.
4. Discuss some of the sources of information and the methods by which an investigation can be made of the effect of employment on the morals of children.
5. Discuss sweat shop labor in the garment making trade in Wisconsin.

APPENDIX B

The commission to investigate the Inspection of Factories, Workshops, Mercantile Establishments and Other Buildings appointed in 1910 in accordance with chapter 56 of the Resolves, the passage of which was largely secured by the use of material presented in this chapter, has reported the following excellent bills, just as this volume goes to press. [Editor.]

DRAFT OF AN ACT TO ESTABLISH A BOARD OF INDUSTRIAL INSPECTION.

Be it enacted, etc., as follows:

SECTION 1. Within sixty days after the passage of this act, the governor, with the advice and consent of the council, shall appoint a board of five persons, to be known as the board of industrial inspection, one member of which shall be appointed for a term of five years, one for a term of four years, one for a term of three years, one for a term of two years, and one for a term of one year. Upon the expiration of the term of any member, a successor for a term of five years shall be appointed. One member shall be a representative of employers, another member shall be a representative of employees, and at least one member shall be a woman. Upon the death or resignation of any member, a successor for the unexpired term shall be appointed. The members of the board shall serve without compensation, but necessary expenses for travelling, stationery and other purposes shall be paid out of the treasury of the commonwealth, subject to the approval of the governor and council. The board shall have authority to employ experts, counsel or other assistants, subject to similar approval.

SECTION 2. All powers and duties with reference to the construction and inspection of buildings used for industrial purposes, the enforcement of laws relating to the employment of labor therein and of laws relating to the employment of minors, and the institution of proceedings in prosecution of violations thereof, now conferred or imposed by law upon the state board of health, or upon the inspection department of the district police, or upon the chief of the district police, with the exception of such duties and powers as relate to boilers, are hereby transferred to the said board

of industrial inspection. Buildings used for industrial purposes, under the meaning of this act, shall include factories, workshops, bakeries, mechanical establishments, tenement-house work-rooms, all other buildings in which manufacturing is carried on, and mercantile establishments, as defined in section seventeen of chapter five hundred and fourteen of the acts of nineteen hundred and nine.

SECTION 3. The board shall appoint a chief commissioner of industrial inspection, whose term of office shall be five years, and whose salary shall be not less than six thousand dollars and not more than eight thousand dollars per annum, as determined by the board, with the advice and consent of the council. The board shall further appoint, upon nomination of the chief commissioner, two deputy commissioners, who shall be responsible to him. The powers, duties, salaries and terms of office of the deputy commissioners shall be fixed by the board. One of the deputy commissioners shall have charge of the enforcement of laws relating to health in industrial establishments and of prosecutions for violations thereof. The other shall have charge of the enforcement of all other laws relating to the construction and inspection of such establishments, to the employment of labor therein and to the employment of minors, and of prosecutions for violations thereof, except laws concerning employment offices, conciliation and arbitration, employers' liability and workmen's compensation. The division of powers and duties between the deputy commissioners with respect to the different classes of laws to be enforced shall be made by the board. The board shall have power to remove the chief commissioner or either of the deputy commissioners from office at any time by a vote of four members. The salaries of the commissioner and of the deputy commissioners shall be paid out of the treasury of the commonwealth.

SECTION 4. The board shall appoint inspectors or assistant inspectors, upon the nomination of the chief commissioner, in such number, not to exceed fifty, as the latter may determine to be necessary to carry on the work of inspection. At least one in ten of all the inspectors so appointed shall be a woman. The salaries and the terms of office of inspectors and assistant inspectors shall be fixed by the board. The salaries, which shall be paid out of the treasury of the commonwealth, shall be graded, and shall be of sufficient amount to secure competent men and women for this service. Inspectors and assistant inspectors may be removed from office at any time by a vote of four members of the board. Inspectors and assistant inspectors shall exercise such powers and duties as are now conferred or imposed by law on the factory and building inspectors of the district police and upon health inspectors of the state board of health, with refer-

ence to the inspection of industrial establishments, the enforcement of labor and health laws therein and of laws relating to the employment of minors, prosecutions for violations thereof, and such other duties not inconsistent with existing statutory provisions as may be determined from time to time by the board. The division of duties and powers among inspectors and assistant inspectors with reference to the different laws to be enforced shall be made by the board in accordance with the recommendations of the chief commissioner. The civil service commissioners shall prepare rules, subject to the approval of the governor and council, for including in the classified service all inspectors and assistant inspectors. Persons appointed as inspectors or assistant inspectors shall be required to pass a civil service examination of a comprehensive and practical character, based upon the particular requirements of the kind of inspection to be done. The inspectors assigned to enforce the laws relating to health or to inspect employees with regard to health conditions shall be persons admitted to practise medicine in this commonwealth, who have had practical experience as physicians; but persons without the foregoing qualifications may be detailed as assistant inspectors of health.

SECTION 5. The board, with the advice of the chief commissioner, shall divide the state into inspection districts, and assign one or more inspectors and assistant inspectors to each district. The board may also transfer inspectors and assistant inspectors from one district to another, upon recommendation by the chief commissioner. The inspectors entrusted with the enforcement of laws relating to health shall have the same powers that are now conferred by law upon state inspectors of health appointed under chapter five hundred and thirty-seven of the acts of nineteen hundred and seven, and all acts in amendment thereof and in addition thereto, with reference to the investigation of sanitary conditions outside of industrial establishments in co-operation with local health authorities, in so far as such powers may be necessary for the thorough discharge of their duties in respect to industrial inspection.

SECTION 6. The board shall appoint a registrar, who shall be responsible to the chief commissioner, and shall determine his salary and term of office, and may remove him at any time by a vote of four members. It shall be the duty of the said registrar to collect and publish annually statistical information concerning industrial inspection, industrial accidents and industrial diseases. Reports of accidents required by section one hundred and forty-four of chapter five hundred and fourteen of the acts of nineteen hundred and nine to be sent to the chief of the district police shall hereafter be sent to the chief commissioner herein provided for, for the use of the said registrar.

SECTION 7. The board shall submit to the general court in the month of January an annual report, containing a statement of the expenditures of the board, together with such recommendations concerning additional legislation with respect to industrial inspection as the board may deem advisable.

SECTION 8. The maximum number of health districts and of state inspectors of health, which is fixed at fifteen by chapter five hundred and thirty-seven of the acts of nineteen hundred and seven and chapter five hundred and twenty-three of the acts of nineteen hundred and ten, is hereby reduced to eight. The deputy chief of the inspection department of the district police shall hereafter be designated officially as the deputy chief of building inspection. The office of inspector of factories and public buildings in the inspection department of the district police is hereby abolished. The governor, with the advice and consent of the council, shall appoint eighteen of the present members of the inspection department of the district police now serving as inspectors of factories and public buildings to be designated hereafter as inspectors of buildings, and to serve for the same term and at the same salary as the present factory and building inspectors. The said inspectors of buildings shall exercise all powers and be subject to all duties now conferred or imposed by law on inspectors of factories and public buildings with reference to the inspection of buildings, with the exception of buildings used for industrial purposes, as defined in section two of this act. For the purposes of this act, inspectors of factories and public buildings shall be deemed to include all members of the inspection department of the district police except the chief of the district police, the deputy chief of the inspection department and inspectors of boilers.

SECTION 9. All acts and parts of acts inconsistent with the foregoing provisions are hereby repealed.

SECTION 10. This act shall take effect upon its passage.

DRAFT OF AN ACT TO AUTHORIZE THE APPOINTMENT OF ADDITIONAL MEMBERS OF THE DISTRICT POLICE TO SERVE AS INSPECTORS OF BOILERS.

Be it enacted, etc., as follows:

SECTION 1. The governor is hereby authorized to appoint five additional members of the district police force, who shall be employed as inspectors of boilers, and whose term of office, salary, powers and duties shall be the same as those of the members of the district police force now serving as inspectors of boilers.

SECTION 2. This act shall take effect upon its passage.

DRAFT OF AN ACT CHANGING THE TITLE AND INCREASING THE SALARY OF THE CHIEF INSPECTOR OF BOILERS IN THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE.

Be it enacted, etc., as follows:

SECTION 1. The chief inspector of boilers in the inspection department of the district police shall hereafter be designated officially as the deputy chief of boiler inspection. Said deputy chief of boiler inspection shall have the same rank and receive the same salary as the present deputy chief of the inspection department.

SECTION 2. This act shall take effect upon its passage.

DRAFT OF AN ACT RELATIVE TO THE DETAILING OF MEMBERS OF THE INSPECTION DEPARTMENT OF THE DISTRICT POLICE FOR TEMPORARY SERVICE IN THE DETECTIVE DEPARTMENT.

Be it enacted, etc., as follows:

SECTION 1. Chapter two hundred and sixty-two of the acts of nineteen hundred and six, entitled "An Act to authorize the detailing of members of the inspection department of the district police for temporary service in the detective department," is hereby amended by striking out, in section one, the words "at any time," and inserting in place thereof the words: — upon the request of the governor, — so as to read as follows: — *Section 1.* The chief of the district police may, upon the request of the governor, detail any member of the inspection department of the district police for temporary service in the detective department.

SECTION 2. This act shall take effect upon its passage.

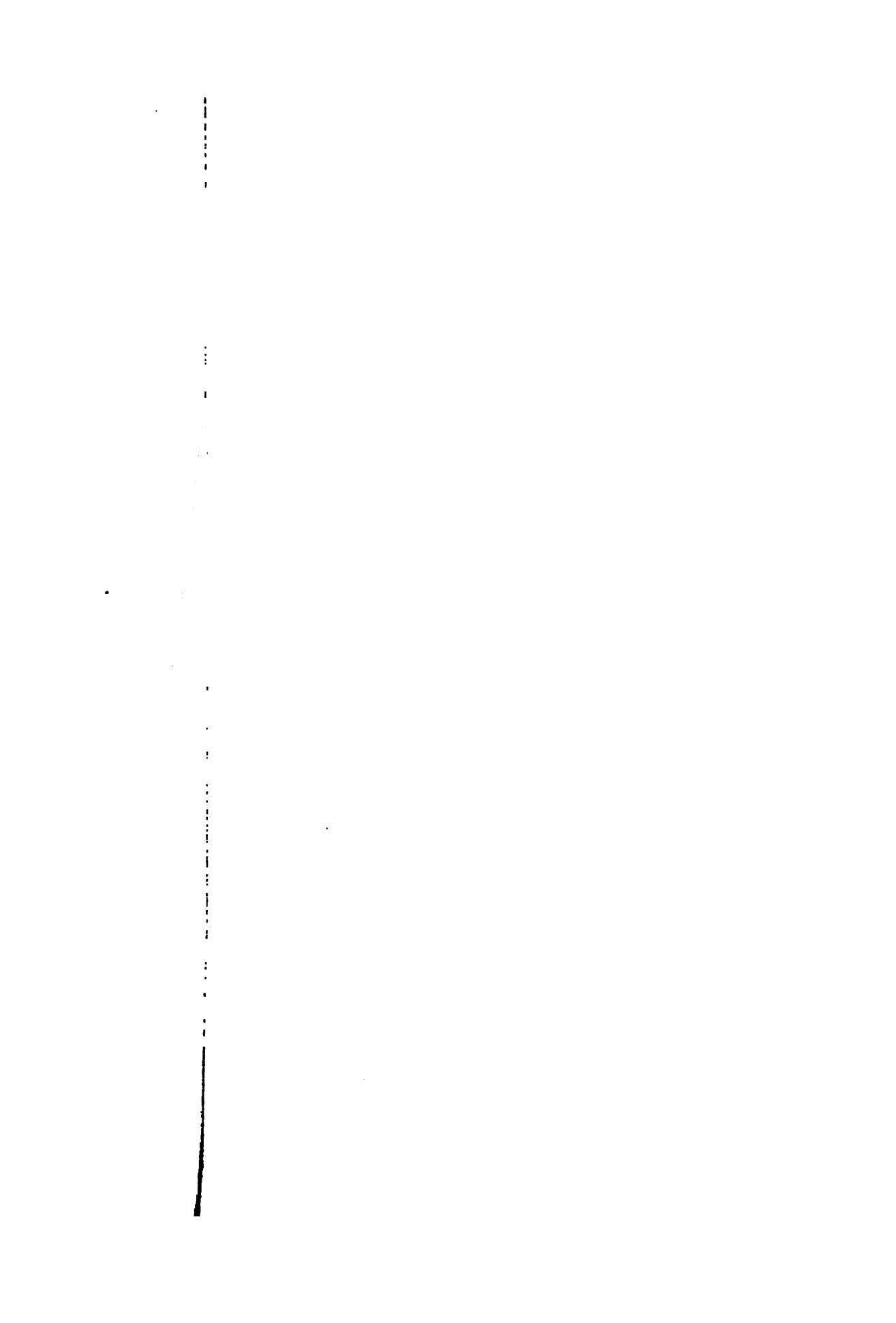
CHARTS

SHOWING IN TABULAR FORM COMPARATIVE LEGISLATION ON THE SYSTEMS OF ADMINISTRATION OF LABOR LAWS IN ALL OF THE STATES OF THE UNITED STATES

The laws previous to legislation of 1907 were prepared by Miss Manning and subsequent to that date by Miss Reeves. It is suggested that these charts may continue to be useful, year by year, if the changes given in the annual "Review of Labor Legislation" published by the "Association for Labor Legislation" be noted.

The publication of the American Association for Labor Legislation, *Legislative Review*, No. 3, presents the organization of Administrative systems and therefore, the chart prepared to set forth this phase of legislation is not printed in this series. Constant reference has been made to this publication of the Association, and the reader should not omit its use.

From Chart I, the columns on "child labor" and "employment of women" as originally planned were omitted because of the full presentation of these subjects in *Legislative Review*, Nos. 4 and 5. They should therefore be used in connection with this chart.



CHARTS III AND IV

CHART III. — *Powers of Inspection.*

[Should be used in connection with chart on "Duties of Inspection."]

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
California.	Free access to buildings to test scaffoldings. 1901, 23, sec. 12.	Inspect employment certificates of children. 1905, 18, sec. 2.	Commissioner of labor and agents all power and authority of sheriffs to make arrests for violations of law on "educational rights of children." 1909, c. 254, p. 38ff.	
Connecticut.	Enter all places where machinery used. G. S., sec. 4515.	Examine ventilation and lighting in factories. G. S., sec. 4516.		Exempt fireproof hotels from fire-escape law. 1909, c. 57.
Delaware.	Visit factories, workshops and other establishments. 1905, 123, sec. 3.	Inspect factories, workshops and other establishments. 1905, 123, sec. 3. Register of children employed open to inspector. 1909, c. 121, sec. 4.		
Illinois.	Visit mills, workshops, commercial institutions, factories and manufacturing and mercantile establishments. R. L. 48, sec. 29, as amended by 1907, p. 310. Carry out provisions of act requiring safeguards. 1909, p. 202ff, sec. 25. To any building containing scaffolding, etc., 1907, p. 312, sec. 4.	Inspect mills, workshops, factories, manufacturing establishments, commercial and mercantile establishments. R. L. 48, sec. 29, as amended by 1907, p. 310.	Require state's attorney of county to prosecute. 1907, p. 310. May take necessary legal steps to enforce compliance with scaffolding law, through state's attorney, or any other attorney in case he fails to act promptly. 1907, p. 312, sec. 9.	Not enter to inspect for safeguards where is secret process; accept owner's affidavit. 1909, p. 202ff. sec. 25. Not disturb changes (general) as to machine guarding or ventilation for 12 months. 1909, p. 202ff, sec. 25. Accept city inspection of machinery when city ordinance is of standard equal to this act. 1909, p. 202ff, sec. 27. Local commissioners may enforce law concerning safety of scaffolding. 1907, p. 312, sec. 3.

CHART III. — *Powers of Inspection.*

[Should be used in connection with chart on "Duties of Inspection."]

Miscellaneous.

County superintendent of schools to file number of certificates and other information as commissioner of labor may require. 1909, c. 254, p. 390.

Order removal of stained, painted or corrugated glass windows from factories. G. S., sec. 4518.
Order washrooms in foundries employing 10 or more. 1905, 140, secs. 1, 2.
Order machinery guards. G. S., sec. 4516.
Issue certificates of approval for bakeries in satisfactory condition. G. S., sec. 2569.
Revoke bakery certificates for cause. 1909, c. 147.
Enforce fire escape provisions in work shops and factories. 1909, c. 57.
May cause examination for tuberculosis by physician of employee in bakery, candy, ice cream, macaroni or tobacco factory. 1909, c. 120, sec. 14.

Demand health certificates of children under 16.
Issue employment certificates to children under 16, having widowed mothers. 1905, 123, secs. 3, 8.
Deliver written notice to discharge child, when finds child labor act not obeyed or certificate untrue. 1909, c. 121, sec. 3.

Demand health certificates and prohibit employment of those unable to obtain such. R. L. 48, sec. 24.
Request affidavits as to safeguards where may not enter because of secret process. 1909, p. 202 ff. sec. 25.
Issue notices of unsafe condition of elevator or machines. 1909, p. 202 ff., sec. 5.
Issue notice to make alterations in toilets, dressing rooms, etc. 1909, p. 202 ff., sec. 23.
Receive reports of accidents. 1909, p. 202 ff., sec. 24.

CHART III. — *Powers of Inspection* — Continued.

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
Indiana.		Investigate causes of accident. R. L. 7087h.	Administer oaths, take affidavits. R. L. 1901, 7087u. Request proper authority to proceed against violator. (Such service required of county attorney.) R. L. 1901, 7087x.	Issue permits for meal hours contrary to statute. 1903, 7087k. Regulate number of cubic feet per worker contrary to statute. R. L. 1901, 7087o. Chief inspector may approve a plan of fire escape other than that named in law. 1909, c. 118, sec. 3.
Iowa.	Upon complaint, or failure to obtain information, enter factory, mill, mine, store or business place to examine protection from danger, sanitary condition. 1902, sec. 2472.			
Kansas.	Enter any factory, mill, workshop, private works or state institution having shops. G. S. 1901, 6649.	Examine methods of protection from danger and sanitary conditions. G. S. 1901, 6649.		
Kentucky.		Inspect age registers of children. 1906, 52, sec. 2. Employment certificates and lists accessible to inspector. 1908, c. 66, sec. 10.	If labor inspector and proprietor disagree as to child's physical fitness or employment of child in occupations dangerous to health or morals, county or city physician shall be called as referee — his decision final. 1908, c. 66, secs. 4, 11.	
Maine.	Enter manufacturing and mercantile establishments. R. S. 40, sec. 43.	Investigate violations in manufacturing and mercantile establishments. R. S. 40, sec. 43.		

CHART III. — *Powers of Inspection* — Continued.

Miscellaneous.

Require enclosing of elevator wells and other shafts, automatic doors, devices for holding elevators. R. L. 1901, 7087e.
Require hand rails on stairs or rubber covering on steps. R. L. 1901, 7087f.
Require speaking tubes. R. L. 1901, 7087g.
Require belt shifters or prohibit use of dangerous machinery. R. L. 1901, 7087i.
Require walls and ceilings lime washed or painted. R. L. 1901, 7087l.
Require dressing rooms for women and children. R. L. 1901, 7087j.
Demand register of age certificates and health certificates. R. L. 1901, 7087b.
Prohibit employment of minors unable to obtain health certificate. R. L. 1901, 7087b.
May notify proprietor in writing that style of fire escapes not acceptable and require such as deems sufficient by order in writing. 1909, c. 118, sec. 3.

Make record of inspection. 1902, sec. 2472.
Demand proof of age of children (record or affidavit of parent) from employer. 1909, c. 145.

Record conditions found upon inspection. G. S. 1901, 6649.

Prohibit employment of children unable to obtain health certificates.
Require machinery guards and prohibit cleaning of machinery by minors.
Require proper toilets; dressing rooms for women; walls and ceilings painted or lime washed in factories. 1908, 52, secs. 2, 3, 4, 5, 6.
Demand for child without certificate same evidence of age as required to obtain certificate. 1908, c. 66, sec. 2.

Demand names of children under 16, and age certificates. 1907, c. 46.
Demand certificates or age record accepted for certificate. 1909, c. 257.
May indicate additional facts to be included by employer in child's certificate. 1907, c. 46.
May prohibit employment of children till any detrimental conditions (sanitary, hours, etc.,), are removed. 1907, c. 46, sec. 5.
May cause bad sanitary conditions to be rectified at employer's expense when employer has neglected to do it. 1907, c. 77.

CHART III. — *Powers of Inspection* — Continued.

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
Maryland.	Enter tenement rooms, workshops, manufacturing establishments, mills and factories. Code 1903, art. 27, sec. 241.	Inspect clothing manufacture. Code 1903, art. 27, sec. 250.		
Massachusetts.	Enter manufacturing, mercantile and mechanical establishments, workshops and factories. R. L. 108, sec. 3, as amended by 1907, 413. Enter any building or enclosure. 1908, 389, as amended by 1909, 354. Also any public building, public or private institution, schoolhouse, church, theatre, public hall, place of assemblage or place of public resort.	Examine means of protection from accident, fire; employment of women and children, except concerning health. Order (such) structural or other changes in public buildings (as necessary) relative to construction, occupation, heating, ventilating and sanitary conditions and appliances. 1908, 389, as amended by 1909, 354, and 1910, 259.	Make complaint of violations relative to payment of wages. 1909, 514, 113. Make complaint of violations relative to drinking water. 1909, 514, 78.	Permit use of elevators without devices. R. L. 1902, 104, 27. Exceptions from statutes concerning meal hours in classes of establishments where exemption will not be injurious to health of women or young persons. 1909, 514, 69. Exceptions from statute concerning regulation of humidity in textile mills. 1910, 543.
Michigan.		Inspect stationary steam boilers.	Administer oaths. 1901, 113, sec. 13.	
Minnesota.	Enter factory, mill, workshop, hotel, restaurant or engineering work. 1907, c. 356, sec. 3. To enforce child labor laws may enter store, theatre, amusement hall, bowling alley, pool room, saloon. 1907, c. 356, sec. 3.	May inspect any factory, mill, workshop, hotel, restaurant or engineering work. 1907, 356, sec. 3.	May issue subpœnas, take testimony, compel attendance of witnesses, administer oaths. 1907, c. 356, sec. 3.	Issue written permits for less than hour's nooning. 1909, c. 499. Written permits for less than 400 cubic feet of air per employee. 1909, c. 499, sec. 4.

CHART III. — *Powers of Inspection* — Continued.

Miscellaneous.

Demand register of tenement shop workers from contractors for such labor. Code 1903, art. 27, sec. 249.
Grant and revoke permits for tenement manufacture. Code 1903, art. 27, sec. 240.

Be detailed temporarily for police duty. 1906, c. 262.
Whenever deems it advisable call physical unfitness of any minor to attention of parents or employers and of state board of health. 1907, 537, sec. 3.
Issue licenses for tenement manufacture. 1909, 514, 106.
Request compliance with law for toilet rooms in foundries. 1909, 514, 102.
Require fire stops and other precautions against spread of fire. R. L. 1902, 104, 22.
Belting, shafting, etc., guarded, if in opinion of inspectors dangerous to employees. 1909, 514, 94.
Order further or different sanitary, ventilating or heating provisions in public buildings or schoolhouses. 1909, 514, 105.
Demand age and schooling certificates and lists of minors. 1909, 514, 64.

Order fire escapes and approve the same; order stairs guarded and doors to swing outwardly; order belt shifters and all machinery properly guarded. 1901, 113, secs. 6, 7, 8.
Order dust removal; order proper means of light, ventilation and heat in basement where wheels, belts and buffers are operated. 1901, 113, sec. 9; 1903, 193.
Demand health certificates of children under 16. 1901, 113, sec. 4.
Demand registers of children employed. 1901, 113, sec. 2, as amended by 1907, 169.
Allow shorter meal hours at noon. 1901, 113, sec. 11.
Demand copy of register of tenement shop workers; seize articles made under unlawful conditions in such shops. 1901, 113, sec. 17.
Prescribe sufficient means of light, heat and ventilation in tenement workrooms. 1901, 113, sec. 17, as amended by 1907, 169.

Give notice for improved fire escapes. Code 1905, 1817.
May issue special reports. 1907, c. 356, sec. 7.
Require production of employment certificates and lists of minors. 1907, c. 229, sec. 10.
Require certificate from a physician of child's fitness for his work. 1907, c. 229, sec. 12.

CHART III. — *Powers of Inspection* — Continued.

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
Missouri.			Administer oaths, administer affidavits. 1901, p. 197, sec. 2.	
Nebraska.	Enter any factory or workshop. C. L. 1901, 3314. Enter hotels. 1909, c. 73, sec. 8.	Examine fire escapes in hotels and lodging houses. G. L. 1909, 6930. Inspect all buildings for fire-escapes. 1909, c. 61, sec. 2.	Administer oaths and subpœna witnesses. G. L. 1909, 6933. Make complaint if employers fail to fill out blank form. C. L. 1909, 3317.	
New Jersey.	Enter factory, workshop, mill, any manufacturing place. 1904, 64, sec. 45.	Inspect register of minors. 1904, 64, sec. 8.	Administer oaths and take affidavits. 1904, 64, 45.	Exempt certain shops from providing required dust removers. 1904, 64, sec. 14. Permit more employees in shops than law allows. 1904, 64, sec. 19. When usual records of age not attainable, commissioner has power to issue permits on production of evidence satisfactory to him. 1907, c. 229, sec. 3.
New York.	Enter any place, building or room where and when any labor being performed affected by labor law. C. L. 1909, c. 36, art. 5, sec. 62.	Inspect sleeping rooms on same floor as bakery. Upon complaint, inspect tenement made goods from other states. C. L. 1909, c. 36, art. 7, sec. 113, 104. Investigate causes and details of accidents. Inspect gearing of elevators. C. L. 1909, c. 36, art. 6, sec. 87, 79. Inspect mercantile establishments in cities of 1st class. C. L. 1909, c. 36, art. 11, sec. 172.	Administer oaths, take affidavits. C. L. 1909, c. 36, art. 3, sec. 43, 1.	Permit less than 60 minutes for noon meal. Permit more workers per cubic foot than law allows. Permit changes in time schedules; allow daily time schedules in factories where impossible to fix hours longer in advance. Permit outdoor water closets in certain cases. C. L. 1909, c. 36, art. 6, sec. 89, 85, 77, 94. Permit women and children to work in basements and lunch room to be near toilets in mercantile establishments in cities of 1st class. C. L. 1909, c. 36, art. 11, sec. 171, 169.

CHART III. — *Powers of Inspection* — Continued.

Miscellaneous.

May demand physician's certificate of physical fitness for any child. 1907, p. 86, sec. 5.
May issue age certificates. 1907, p. 86, sec. 6.
Send written order to employer to dismiss child whose certificate obtained through fraud. 1907, p. 86, sec. 6.
Demand fee of from 50 cents up, according to number of employees from owner or manager for each inspection. 1907, p. 326 ff, sec. 3.
Number of fees not to exceed two except in case of noncompliance. 1907, p. 326, sec. 3.
Fee of $1 for one inspection per year of bake shop (0 for further inspections). 1909, p. 864, sec. 8.
Order fans, etc., to carry off dust and smoke. R. L. 1906, sec. 6444.
May prohibit over-crowding (when supported by opinion of a reputable physician). R. L. 1906, sec. 6445.
Demand list of tenement shop workers. R. L. 1906, sec. 10096.
List of children from 14–16 accessible to inspector. 1907, p. 86, sec. 8.

Post labor laws in factories and shops. C. L. 1901, 3314.
Demand certificates of children or proof of age (within 10 days) or that child cease work. 1907, c. 62, sec. 2.
Designate number and position of fire escapes. 1909, c. 61, sec. 1.

Demand proof of child's age, and upon failure to obtain such, discharge child or issue age certificate. 1904, 64, secs. 5, 8.
Demand health certificate of child under 16, prohibit employment of children unable to obtain such. 1904, 64, sec. 7.
Authorize truant officers to inspect register of minors. 1904, 64, sec. 8.
Require machinery guards, prohibit use of machinery not properly guarded. 1904, 64, sec. 13.
Order means for light, ventilation, sanitation, fire protection, guards for elevators, doors, explosives and regulate cleaning of machinery by minors. 1904, 64, secs. 20, 30, 43.
Order dressing rooms for women. 1904, 64, sec. 23.
Grant and revoke permits for tenement manufacture according to conditions found therein upon inspection. 1904, 64, sec. 31.
Order bakery closed if unsanitary. If this order not obeyed, may have it closed and all utensils marked "unclean." Refuse to remove sign till bakery cleaned. 1905, c. 102, sec. 8, as amended by 1907, c. 17.
Certificates and lists of children accessible. 1907, c. 229, sec. 3.

After notice of 48 hours, close unsanitary bakery. C. L. 1909, c. 36, art. 8, sec. 114.
Recover forfeiture for nonpayment of wages. C. L. 1909, c. 36, art. 2, sec. 12.
Require precautions to prevent accidents. C. L. 1909, c. 36, art. 6, sec. 87.
Require proper sanitary conditions in bakeries and sleeping rooms on the same floor as bakery. C. L. 1909, c. 36, art. 7, sec. 101.
Demand register of names of workers in tenement shops. C. L. 1909, c. 36, art. 7, sec. 101.
Require walls and ceilings in factories lime washed or painted. C. L. 1909, c. 36, Art. 6, sec. 84.
Require dressing rooms for women and girls. C. L. 1909, c. 36, art. 6, sec. 83; 1910, c. 229.
Demand register and evidence of age certificates and record of women and children permitted to work overtime. C. L. 1909, c. 36, art. 6, sec. 76 and art. 11, sec. 167.
Require safe conditions of elevators, rubber covering on stairs, necessary fire escapes, exhaust fans, belt shifters and other guards. C. L. 1909, c. 36, art. 6, secs. 79, 80, 81, 82.
Prohibit use of dangerous machines. Order erection of fire escapes. C. L. 1909, c. 36, art. 6, sec. 81, 83.
Enforce municipal ordinances. C. L. 1909, c. 36, art. 5, sec. 62, 5.
Require lighting of cellar, vacant rooms, etc., used in common in tenant factories. C. L. 1909, c. 36, art. 6, sec. 94.
Affix "unclean" labels to goods in unsanitary tenant factory and refuse to remove until conditions remedied. C. L. 1909, c. 36, art. 6, sec. 95.
Request copies of records of contagious diseases in any tenement house, etc. C. L. 1909, c. 36, art. 7, sec. 103.
Refuse tenement license if health records show contagious disease or unsanitary conditions there. C. L. 1909, c. 36.
Affix to entrance of tenement work room in filthy condition placard prohibiting work there. C. L. 1909, c. 36, art. 7, sec. 100.
Attach to goods unlawfully made labels with words "tenement made." C. L. 1909, c. 36, art. 7, sec. 102.

CHART III. — *Powers of Inspection* — Continued.

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
Ohio.	Entry into all shops and factories, including public institutions of the state which have shops and factories. An. S. sec. 2573b, as amended by 1904, p. 50. Shops and factories "held to include manufacturing, mechanical, electrical, mercantile, art and laundering establishments, printing, telegraph and telephone offices, railroad depots, hotels, memorial buildings, tenement and apartment houses." An. S. sec., 2573d.		Administer oaths, take affidavits. An. S. sec. 2573a, 3.	
Oregon.	Enter factory, mill, office, workshop, public or private work. 1903, p. 205, sec. 7.	Examine means of protection and sanitary conditions. 1903, p. 205, sec. 7.	Issue subpœnas, administer oaths, take testimony. 1903, p. 205, sec. 6.	
Pennsylvania.		Investigate accidents as necessary. 1905, 226, sec. 20. Inspect establishments where labor is employed, except domestic, agricultural or mining. 1905, 226, sec. 21.	Issue subpœnas, administer oaths. 1905, 226, secs. 20, 25.	Reduce time for nooning. 1905, 226, sec. 9. If inspector thinks fire escapes unnecessary, may exempt from requirement. 1909, 235. Allow children between 14 and 16 to work in preparation of white lead, paints, matches, manufacture of cigars, where proved to his satisfaction that danger removed. 1909, 182, sec. 2.
Rhode Island.		Inspect factories, workshops and other establishments affected by factory act. G. L. 1896, 68, 3, as amended by 1905, 1215.	Administer oaths and affirmations. G. L. 1896, 68, 11.	

CHART III. — *Powers of Inspection* — Continued.

Miscellaneous.

Post notice on unsafe machinery designating changes necessary. S. sec. 4364–89 e.
Require health and age and schooling certificates of children. S. sec. 6986–7.
Require physician's certificate of physical fitness for boy under 16 or girl under 18. 1908, p. 31, sec. 1.
May enforce child's school attendance, or refer matter to truant officer or board of education. 1908, p. 30ff, sec. 1.
Issue certificates to bakeries complying with the law. S. sec. 4364–76.
Require record of persons employed in tenement manufacture. S. sec. 4364–83.

Report records of inspection. 1908, p. 205, sec. 7.

Prohibit use of dangerous machinery. 1905, 226, sec. 11.
Order bakery walls whitewashed twice a year or oftener. 1905, 226.
Approve specifications for fire-escapes. 1909, 233, sec. 3.
Approve designs of buildings to be erected or adapted. 1909, 233, sec. 5.
Employment certificates accessible. 1909, 182, sec. 7.
Prescribe rules and regulations concerning sanitation and safety where minors employed. 1909, 182, sec. 4.

Require guards for hoisting shafts; require trap for automatic doors for elevators. G. L. 1896, 68, 5.
Permit minors to clean moving machinery. G. L. 1896, 68, 6.
Be shown employment certificates. G. L. 1896, 68, 1, as amended by 1905, 1215.

CHART III. — *Powers of Inspection* — Concluded.

STATE.	Of Entry.	Of Inspection.	Relative to Prosecution.	Of Making Exceptions to Statutes.
Tennessee.	Enter shops and factories where machinery is used. 1901, 67, sec. 2.		Police powers conferred upon inspector: full power to make arrests for violations of labor laws in same manner as officers of state now empowered to make arrests. 1909, c. 124.	
Virginia.	Enter any store, factory, workshop, mine or public institution of state. Code 81A, sec. 1790c.		Take testimony, administer oaths, examine witnesses. Code sec. 1790c, as amended by 1906, 55.	
Washington.	Enter factory, mill, mine, office, workshops or public or private work. 1901, 74, 5.	Examine methods of protection from danger and sanitary conditions. 1901, 74, 5.	Issue subpœnas, administer oaths, take testimony. 1901, 74, 4.	
West Virginia.	Enter any public institution, factory, workshop or other places, where labor is employed. 1899, p. 1057ff, sec. 5.			
Wisconsin.	Enter factory, mercantile establishments or workshop. 1908, 1021f.	Inspect sanitation, water supply and overcrowding in tenements. 1903, 203. Visit and inspect all places covered by child labor provisions. 1909, 1728d.	Administer oaths, take testimony. 1021j.	Permit employment of minor between 14 and 16 contrary to statute. 1909, 1728a, 1. Use judgment in ordering swinging doors in accordance with law. 1909, 4390. Permit employment of minor between 12 and 14 in certain employments during school vacation. 1909, 1728a, 4. Permit child under 14 to play on musical instruments or take part in theatrical exhibition. 1907, c. 418.

CHART III. — *Powers of Inspection* — Concluded.

Miscellaneous.

Order safeguards for elevators, catchways; and order belting, gearing and shafting guarded if dangerous. 1901, 67, secs. 3, 4.

Interrogate persons in establishments or require answers to list of interrogatories and file interrogatories. Code 81A, sec. 1790c.

May revoke certificates of machinery inspection and approval. 1907, c. 205, sec. 4.
May revoke certificates of approval. Supply copies of factory act to be posted in factories, mills, workshops, storehouses, warerooms, stores and offices affected by act. 1905, 84, sec. 12.
Make record of inspections. 1901, 74, 5.

Post in factories laws relative to child labor, employment of women, hours of labor, fire escapes, and matters pertaining to health and safety. 1909, sec. 1021h.
Demand age register. 1909, 1728b.
Exercise same power as truant officer. 1909, 1728d.
Order machinery safe guards and dust removal. 1909, 1021h.
Request register for tenement shop workers. 1901, 239, sec. 4.
Require alteration in ventilation, dressing rooms and toilets. 1908, 323, secs. 1, 2, 4.
Declare devices necessary for removal of dust from grinding machines and emery wheels in factory. 1886-89, as amended by 1907, 115.
Refuse permits to children who seem physically unfit. 1909, 1728e.

CHART IV.

Places Subject to Inspection.

Thirty-three states have legislation requiring inspection of the following different kinds of places employing labor: —

1. MANUFACTURING ESTABLISHMENTS: Alabama, California (sanitation and ventilation), Colorado, Connecticut, Delaware (child labor), Illinois, Indiana, Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland (child labor), Massachusetts, Michigan, Minnesota, Missouri (in cities of 10,000), Montana, Nebraska, New Jersey, New York, Ohio (including mechanical and electrical), Oklahoma, Oregon, Pennsylvania, Rhode Island, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin.

2. WORKSHOPS (including tenement manufacture): California (sanitation and ventilation), Colorado, Connecticut, Delaware (child labor), Illinois, Indiana (manufacturing establishments), Iowa, Kansas, Kentucky, Louisiana, Maine, Maryland, Massachusetts, Michigan (tenement), Minnesota, Missouri (*a*, in cities of 10,000; *b*, tenement), Nebraska, New Jersey, New York (tenement), Ohio (tenement), Oklahoma, Oregon, Pennsylvania, Rhode Island, Tennessee, Virginia, Washington, West Virginia, Wisconsin.

3. MILLS: Colorado, Connecticut, Iowa, Kansas, Louisiana, Maryland (child labor), Massachusetts, Minnesota, Nebraska, New Jersey, Oregon, Washington.

4. MINES AND QUARRIES: Colorado, Iowa, Maine, New York, Virginia, Washington.

5. BUILDINGS (hotels, places of amusement, construction): California, Colorado (hotels), Connecticut (and all elevators in buildings), Illinois (construction, safe scaffolding, children employed), Indiana (construction, safe scaffolding), Iowa (hotels, fire escapes), Kansas (scaffolding), Massachusetts, Michigan (hotels), Minnesota (buildings, hotels), Missouri (hotels, theatres), Nebraska (hotels, fire escapes), New Jersey (seats, child labor), New York, Ohio (hotels), Washington, Wisconsin.

6. MERCANTILE ESTABLISHMENTS: California (sanitation and ventilation), Colorado, Connecticut (seats, elevators), Illinois (children employed), Indiana, Iowa, Louisiana, Maine, Maryland (child labor), Massachusetts, Michigan, Minnesota (child labor), Missouri, New York (separate force), Ohio, Rhode Island, South Carolina, Virginia, Washington, Wisconsin.

7. WAREHOUSES: Connecticut (storehouses, elevators), Missouri (and freight depots), Ohio (explosives), Oregon (storehouses), Washington.

8. RAILROADS: Colorado, Kansas, Minnesota ("engineering work"), Ohio, Washington.

9. OFFICES: Colorado, Illinois (children employed), Indiana (printing), Maryland (child labor), Massachusetts (cleanliness, toilets), Ohio (printing, telegraph, telephone), Oregon, Washington.

10. LAUNDRIES: Colorado, Illinois (children employed), Indiana, Massachusetts, Missouri, New York, Ohio, Oklahoma, Pennsylvania.

11. BAKERIES, RESTAURANTS: Colorado, Connecticut, Indiana, Massachusetts (restaurants only), Minnesota, Missouri, New Jersey, New York, Ohio, Pennsylvania, Tennessee, Washington, Wisconsin.

12. FOUNDRIES: Connecticut, Massachusetts, Oklahoma, South Carolina.

13. GENERAL PROVISIONS:

A. *Where Labor Employed:* Iowa, Kansas, Nebraska (other places of industry), New York (where labor affected by labor law), Oklahoma, Oregon, Pennsylvania (except domestic, farm or mine), Virginia (public or private work), Washington (public or private work), West Virginia.

B. *Employment of Children:* California, Delaware (sanitary conditions), Illinois, Maine, Maryland, Missouri, Montana, Rhode Island (other establishments employing women and children), South Carolina (machine shops where child labor), Texas, Wisconsin.

14. MISCELLANEOUS: Colorado (boarding on bunk houses, smelters, oil refineries, cement works, machine and repair shops, any public or private works where labor employed or machinery used), Indiana (renovating works, printing works), Louisiana (other places where labor employed), Minnesota (mines, railroads, telegraph, etc., hotels, restaurants, engineering works), Missouri (machinery shops, bowling alleys, theatres, concert halls), Ohio (public institutions having shops and factories, memorial buildings, "art" establishments), Rhode Island (steamboats on inland waters), Texas (fire-escapes, protection of health or safety, etc.).

CHAPTER V

THE LABOR LAWS OF MASSACHUSETTS, 1902–1910 — A DIGEST

EDITH REEVES

THE LABOR LAWS OF MASSACHUSETTS, 1902-1910

A DIGEST

This list has been prepared and should be used as a supplement to Miss Sarah Whittelsey's *Massachusetts Labor Legislation*, pp. 107–143. The subdivisions, headings and form follow in general those used by Miss Whittelsey. Section headings are omitted where no recent legislation exists. Acknowledgment is due Professor F. Spencer Baldwin for a manuscript list including many of the most important of these acts, a discussion of which is to be found in Annals of American Academy of Political and Social Science, March, 1909 [Editor].[1]

I. Regulation of Child Labor.

1. Age and Education.

R. L. 1902, 106, sec. 35. — Codifies 1887, 433, sec. 2; 1889, 135; 1891, 317; 1894, 508, secs. 24, 70; 1898, 494, sec. 7. Literacy certificates.

R. L. 1902, 106, sec. 28. — Codifies 1867, 285, sec. 1; 1876, 52, sec. 1; P. S. 48, sec. 1; 1883, 224; 1885, 222; 1888, 348, secs. 1, 2; 1892, 352; 1894, 508, secs. 13, 15. Employment under 14.

R. L. 1902, 106, sec. 29. — Codifies 1836, 245, sec. 1; 1849, 220, sec. 1; 1855, 379; 1858, 83, sec. 1; G. S. 42, sec. 1; 1867, 285, sec. 1; 1876, 52, sec. 2; 1878, 257, secs. 1, 5; 1880, 137; P. S. 48, secs. 2, 3; 1888, 348, sec. 2; 1892, 352; 1894, 508, sec. 14; 1898, 494, sec. 2. Age and schooling certificates.

R. L. 1902, 106, sec. 30. — Codifies 1888, 348, sec. 5; 1894, 508, sec. 19; 1898, 494, sec. 3. Approval of age and schooling certificates.

R. L. 1902, 106, sec. 31. — Codifies 1898, 494, sec. 4. Enumerates evidences of age to be accepted for granting of certificates.

R. L. 1902, 106, sec. 32. — Codifies 1888, 348, secs. 4, 9; 1890, 299, sec. 1; 1894, 508, secs. 17, 18, 62; 1898, 494, secs. 5, 6. Employment tickets and age and schooling certificates.

R. L. 1902, 106, sec. 33. — Codifies 1836, 245, sec. 2; 1849, 220, sec. 3; 1858, 83, sec. 2; G. S. 42, sec. 2; 1867, 285, sec. 3; 1876, 56, secs. 1, 3; P. S. 48, secs. 1, 4; 1883, 224; 1887, 433, sec. 1; 1888, 348, sec. 9; 1894, 508, secs. 67, 69; 1898, 494, sec. 6. Penalties.

[1] Abbreviations: R. L., Revised Laws; G. S., General Statutes; P. S., Public Statutes.

1902, 183. — Amends R. L. 106, sec. 35, by requiring certificate signed by superintendent of schools of school committee as evidence of attendance at day or evening school by employed minor over 14, by directing said minor to furnish employer weekly record of attendance while evening school is in session. Unexcused absences to cause attendance to be deemed irregular.

1904, 432. — Amends R. L. 1902, 106, by striking out sec. 31 and inserting a section enumerating the kinds of evidence of age previously allowed but adding the requirement that "other evidence" may be accepted *only* in case the school authority decides that neither the last school census, certificate of birth or baptism, nor register of birth is available.

1905, 213. — Amends R. L. 1902, 106, as amended by 1904, 432, by substituting a section which requires that the "other evidence" which the school authority may accept, in default of those enumerated, shall be given "under oath."

1905, 267. — Amends R. L. 1902, 106, sec. 28, by adding prohibition in this section of the employment of children between 14 and 16 without certificate of ability to read and write simple English.

1906, 284. — Amends R. L. 1902, 106, sec. 28, as amended by 1905, 267, sec. 1, defines the ability to read and write simple English as meaning, in 1906, such ability to read and write as is required for admission to the second grade; in 1907, to the third grade; in 1908 and thereafter, to the fourth grade of the public schools in the city or town in which such minor lives. Sec. 2. Minors to whom chapter applies may work on Saturdays between 6. A.M. and 7 P.M. in mercantile establishments.

1906, 499, sec. 6. — Repeals R. L. 1902, 106, sec. 33, and all other inconsistencies. Sec. 1. Penalty for illegal employment of minor under 16 shall be a fine of not more than $300 or imprisonment for not more than six months, or both; for every day after notice by inspector of factories and public buildings: $20 to $100, or imprisonment for not more than six months. Sec. 2. Inspectors of factories and public buildings shall visit all factories, workshops and mercantile establishments to see if minors are employed contrary to R. L. 1902, 106, of this act, and shall make complaint against violators. Any inspector who knowingly and wilfully violates this section shall be fined not over $100. Sec. 3. Truant officers may apprehend and take to school without warrant any minor under 16 employed contrary to R. L. 1902, 106, secs. 28 and 29, or amendments thereto. Shall report evidences of illegal employment to court. Truant officer

who knowingly and wilfully violates shall be fined not over $100. Sec. 4. Age and schooling certificates and lists of minors shall be produced for inspectors; failure to do so shall be *prima facie* evidence of illegal employment of minor whose certificate is not produced, or whose name is not on the list. Penalty upon employer or agent for retaining certificate: $10 to $100. Sec. 5. Police, district and municipal courts and trial justices shall have jurisdiction of offences under this act. Summons or warrant may be served, at discretion of court or magistrate, by an inspector of factories and public buildings, a truant officer, or any officer qualified to serve criminal process.

1907, 224. — Amends R. L. 1902, 106, sec. 31, as amended by 1904, 432, and 1905, 213, by adding the provision that the certificate of the superintendent of the Lyman School for Boys or of the State Industrial School for Girls shall be sufficient evidence as to age and ability to read and write simple English, for a child who has been an inmate of such a school.

2. Occupations.

(*a*) *Peddling and Begging.*

R. L. 1902, 65, secs. 17, 18. — Sec. 17 codifies 1846, 244, sec. 2; G. S. 50, sec. 14; P. S. 68, sec. 2; 1892, 331. Regulation of sales by minors. Sec. 18 codifies 1887, 422. Penalty for employing minor without license.

1902, 531. — Amends R. L. 1902, 65, sec. 17, by including bootblacking in the trades licensed and by transferring the powers otherwise given to the mayor and aldermen to the school committee in the case of persons under 14 in Boston.

1906, 151. — Amends R. L. 1902, 65, sec. 17, as amended by 1902, 531, by extending to all cities of the Commonwealth the application of the provisions of 1902, 531, thus giving into the hands of school authorities in all cities the control of street trading by minors under 14.

(*b*) *Handling dangerous Machinery.*

R. L. 1902, 106, sec. 42. — Codifies 1887, 121, sec. 1; 1894, 508, secs. 31, 73. Cleaning machinery in motion.

R. L. 1902, 106, sec. 43. — Codifies 1890, 90, sec. 1; 1894, 508, secs. 32, 74. Minors operating elevators.

R. L. 1902, 106, sec. 44. — Codifies 1901, 164. Minors in manufacture of acids.

1902, 350. — Inconsistencies repealed. Minors under 16 (formerly 15) may not operate elevators; minors under 18 may not operate elevators at a speed of more than 100 feet a minute (formerly 200 feet).

II. Hours of Labor of Women and Children.

1. General.

R. L. 1902, 106, sec. 23. — Codifies 1884, 275, sec. 1; 1884, 508, sec. 10; 1900, 378; 1901, 113. Hours in mercantile establishments.

R. L. 1902, 106, sec. 24. — Codifies 1842, 60, sec. 3; G. S. 42, sec. 3; 1867, 285, sec. 2; 1874, 221, sec. 1; 1880, 194, sec. 1; P. S. 74, sec. 4; 1883, 157; 1884, 275, sec. 3; 1886, 90; 1887, 280, sec. 1; 1892, 357, sec. 1; 1894, 508, sec. 11. Hours in manufacturing and mechanical establishments.

R. L. 1902, 106, sec. 25. — Codifies 1842, 60, sec. 4; G. S. 42, sec. 3; 1867, 285, sec. 3; 1874, 221, sec. 2; 1879, 207; 1880, 194, sec. 2; P. S. 74, sec. 5; 1884, 275, sec. 2; 1887, 280, sec. 1; 1894, 508, secs. 59-61. Penalties.

R. L. 1902, 106, sec. 26. — Codifies 1892, 210; 1894, 508, sec. 56. Form of complaint.

1902, 435. — Amends R. L. 1902, 106, sec. 24, by prohibiting work of women and minors in manufacturing at any other time than that stated in printed notice (formerly "for a longer time in a day").

1904, 397. — Amends R. L. 1902, 106, sec. 23, by striking out words which exempt shops for the sale of goods at retail from application of 58-hour law during December.

1907, 267. — Repeals inconsistencies. Amends R. L. 1902, 106, sec. 27, by prohibiting the employment of women and minors under 18 in textile manufactories before 6 A.M. or after 6 P.M. Penalty: fine of from $20 to $50.

1908, 645. — Amends R. L. 1902, 106, sec. 24, as amended by 1902, 435, by lowering to 56 the number of hours per week allowed in manufacturing or mechanical establishments, except where the employment is by seasons, in which case the number of hours per week may be as high as 58, if the total number of hours in any year does not exceed an average of 56 per week.

III. Hours of Labor of Public Employees.

1904, 315. — Any city or town may establish the hours of labor of members of its fire department.

1905, 231. — Employees of county jails and houses of correction who work seven days a week shall have at least two days' vacation in each month, with pay, in addition to the annual vacation.

1906, 517, sec. 6. — Repeals inconsistencies. Sec. 1. Eight hours shall be a day's work for laborers, workmen, and mechanics employed by the Commonwealth, any county, or any city or town which has accepted R. L. 1902, 106, sec. 20. Where a Saturday half-holiday is given, the hours of labor on other days may be so increased that the weekly total will be 48 hours. Sec. 2. Contracts shall contain the stipulation that employees of contractors and subcontractors shall not be required to work over eight hours in a day. Sec. 3. Act shall apply to any work on public property whether employees are employed by public authority or by a contractor or other private person. Sec. 4. Penalty of $50 for violation. Sec. 5. Act shall not apply to prior contracts not yet completed.

1907, 269. — Amends 1906, 517, by providing that no public employee shall be requested or required to work more than eight hours in one day or 48 hours in one week except in cases of extraordinary emergency; "only a case of danger to property, to life, to public safety or to public health" to constitute the emergency; engineers to be considered under the act, as "mechanics"; "requiring" employees to work longer hours to be interpreted as "including threat of loss of employment, or threat to obstruct the obtaining of employment, or to refrain from employing in future."

1907, 570. — Amends 1906, 517, as amended by 1907, 269, by substituting "weekly" for "Saturday" half-holiday and by exempting from the application of the act employees in state, county or municipal institutions, on the farm, in the care of grounds, in the stable, in domestic service or in storerooms and offices.

1908, 547. — Sec. 1. Hours of labor for officers, instructors, and employees in state penal institutions shall not exceed 60 in each week; each shall have at least two days' vacation each month, with pay besides annual vacation. This section shall not prevent warden or superintendent from requiring assistance to capture escaped prisoners or in other emergencies. Sec. 2. Such additional officers as necessary for the carrying out of this act may be employed.

IV. Safety and Sanitation.

1. Boilers and Engines.

R. L. 1902, 102, secs. 73-77. — Codifies 1845, 197, secs. 1-10; 1846, 96, secs. 1-3; G. S. 88, secs. 33-40; P. S. 102, secs. 40-48; 1862, 74, secs. 1-3; 1873, 261. Licensing of steam engines and furnaces.

R. L. 1902, 102, secs. 78-86. — Codifies 1895, 471, secs. 1-5, 7, 8; 1896, 546, secs. 1-5, 7; 1899, 368, secs. 1-11; 1900, 201. Licensing of engineers and firemen of stationary engines.

R. L. 1902, 105. — Codifies 1850, 277, secs. 1-3; 1852, 191, secs. 1, 2, and 247; 1859, 259; G. S. 88, secs. 41-45; 1880, 116; P. S. 102, secs. 49-53; 1892, 419, sec. 138; 1893, 387; 1894, 481, sec. 3; 1895, 418, secs. 1-5, 7, 8, and 449, secs. 9, 10; 1896, 546, sec. 4; 1898, 167 and 261. Inspection of steam boilers.

1905, 310. — Sec. 1 amends R. L. 1902, 102, sec. 81, by requiring applicants for licenses as engineers or firemen to give their total experience and declaring wilful falsification a sufficient cause for revocation of the license. Sec. 2. Amends R. L. 1902, 102, by striking out section 82 and replacing it by a section making the following changes in the classification of licenses: for *engineers'* licenses of the second class, permitting the operation of boilers and "engines, no one of which shall exceed one hundred and fifty horse power," or "of a first class plant under the engineer in direct charge of the plant," for third class licenses, permitting the operation of "a boiler or boilers not exceeding in the aggregate one hundred and fifty horse power, and an engine not exceeding fifty horse power, or to operate a second class plant under the engineer in charge of the plant;" creating a fourth class of licenses permitting the operating of hoisting and portable engines and boilers; for *firemen's* licenses creating an "extra first class," permitting the holder to "have charge of," as well as to operate, any boiler or boilers; for second class licenses, permitting also the operation of high pressure boilers "under the engineer or fireman in charge;" permitting holder of extra first or first class fireman's license to operate a third class plant under the engineer in direct charge. Sec. 3. Amends R. L. 1902, 102, sec. 86, by adding a specific guarantee of boiler inspectors' right of entry and fixing the same, penalty for obstructing inspector as is specified for violating any section concerning licensing of engineers and firemen. Sec. 4. Repeals inconsistencies, with the modification that present licenses shall not be invalidated, and that the act shall not apply to the exemptions in R. L. 1902, 102, sec. 78.

1905, 472. — Sec. 4. Repeals inconsistencies. Sec. 1. Largely repetition of preceding laws. Steam boilers of over three horse power, except boilers upon locomotives, in private residences, under jurisdiction of United States, or used only for agricultural, horticultural, or creamery purposes to be inspected yearly by district police or insurance companies. Five dollars to be paid to inspector for each internal, $2 for each external, inspection. Sec. 2. Insurance companies to report each inspection to district police on blanks furnished by police within fourteen days, company or police inspector to notify owner or user of boiler at what pressure it may safely be operated. Sec. 3. Penalties not over $500 for insurance company failing to report, not over $500 for owner not complying with requirements of his insurance company after notice from chief of district police; also use of boiler may be enjoined. Police given right of entry.

1906, 387. — Sec. 1. Boilers not inspected by insurance companies or state inspectors, except those which may be operated by unlicensed persons under R. L. 1902, 102, sec. 78, shall be inspected yearly, between June first and October first, by the licensed engineer or fireman in charge. The engineer shall report to chief of district police on blanks furnished by him within ten days. Sec. 2. If boiler is not in use between dates named in sec. 1, it shall not be operated until after inspection has been made and reported. Sec. 3. Chief of district police shall give notice of changes required; penalty for failure to comply not more than $100. Use of boiler may be enjoined, as provided in R. L. 1902, 105, sec. 4. Sec. 4. Owner or user who fails to have the required inspection made shall be fined from $25 to $100. Sec. 5. Owner or user who interferes with engineer making inspection shall be fined $25 to $100. Sec. 6. District police shall have right of entry to enforce act.

1906, 414. — Amends R. L. 1902, 102, sec. 82, as amended by 1905, 310, sec. 2, by adding the provision that no special license shall be granted to any person for the charge of a plant of over one hundred and fifty horse power.

1906, 521. — Sec. 1. Governor is authorized to appoint one member of boiler inspection department of the district police as chief of that department who shall supervise boiler inspection department in order to secure uniform enforcement throughout the Commonwealth; salary $2,000 and necessary traveling expenses. Sec. 2. Civil service commission shall hold examination for applicants; governor shall appoint one of three who obtain highest percentages.

1906, 522. — Sec. 1. Governor is directed to appoint five additional members of inspection department of district police as boiler in-

spectors at same compensation as that paid present boiler inspectors who shall not be over 45 years of age. Said age limit shall apply to all new appointments as boiler inspectors, not to reappointments. Governor is authorized to appoint one clerk at $800 and four clerks for branch offices at $600. Sec. 2. Inspector shall affix to every boiler inspected a metal tag showing number of boiler and of district and date of inspection. Sec. 3. Penalty for defacing or removing tag, $5 to $100.

1907, 373. — Sec. 1. Amends R. L. 1902, 102, sec. 78, by adding the words "and engines" after each reference to "boilers." Sec. 2. Amends R. L. 1902, 102, as amended by 1905, 310, sec. 2 and by 1906, 414, by striking out section 82, which incorporates most of the provisions of the sections replaced and makes the following changes: Present holders of first or second class fireman's licenses to receive first class fireman's licenses because under this act the former "first class" is abolished and the former "second class" becomes first class, while a new second class is added permitting the holders to operate any boiler or boilers under the engineer or fireman in charge. Sec. 3. Amends R. L. 1902, 102, by substituting for section 84 a section 84, which replaces "a majority" of the remaining examiners as a court of appeal by "three or more," and requires the approval of "a majority of examiners so acting as a board of appeal," instead of "a majority of the remaining examiners." Sec. 4. Amends R. L. 1902, 102, sec. 85, by adding the requirement that daily records accessible to boiler inspectors shall be kept of the condition of all boilers of over twenty-five pounds pressure per square inch, except those exempted from inspection.

1907, 465. — Sec. 29. Repeals inconsistencies. Many provisions of preceding acts are restated and rearranged, and the following changes made:

Sec. 1. The additional exemption is made of boilers in public buildings and in apartment houses used solely for heating and carrying pressures not exceeding fifteen pounds per square inch and having less than four square feet of grate surface; each boiler to be equipped with safety appliances prescribed by board of boiler rules. No certificates of inspection to be issued after May 1, 1908, to boilers not complying with rules of construction of board of boiler rules.

Sec. 3. Such boilers to be inspected externally when in operation at least once each year; inspector to observe general condition, pressure of steam carried, etc.; no person to tamper with safety appliance approved by board or load safety valve to higher pressure than certificate of inspection allows.

Sec. 4. Inspectors of boilers of district police not to be subject to civil service rules as to height and weight, but shall be appointed solely on the basis of ability and competency to inspect steam boilers.

Sec. 5. No person to act as an inspector of boilers unless he holds a certificate of competency.

Sec. 6. Said certificates to be granted by board of examiners made up of three members of boiler department of district police (formerly licenses by city examiners); application for examination to be accompanied by letter of request from boiler company by whom applicant is to be employed; he to be examined as to his knowledge of the construction, installation, maintenance, and repair of steam boilers and their appendages and, if found competent, to be granted certificate of competency which shall continue in force during his employment by said company, subject to revocation for incompetence or untrustworthiness; a period of ninety days to elapse between examinations, except in case of appeal (see sec. 7).

Sec. 7. A person who is refused certificate or whose certificate is revoked to be allowed appeal from decision to chief of district police; rehearing to be given by five examiners, no one of whom served in former instance, their decision final, if approved by chief of district police; applicant to be allowed presence of one representative of the boiler insurance company during examination or hearing of appeal.

Sec. 8. Commissioner of insurance to be allowed to revoke authority to inspect steam boilers of any company issuing a certificate of inspection signed by inspector without certificate of competency; inspectors applying for certificates before act takes effect to be authorized to inspect boilers till applications passed upon.

Sec. 9. Inspectors of boiler department to report all inspections and make recommendations to chief inspector of boilers.

Sec. 11. Boiler insurance companies to report location and owner or user of every boiler "herein required to be inspected" on which they have refused insurance, stating reasons.

Sec. 12. Boilers for heating not required to be inspected to have safety appliances prescribed by board of boiler rules; boiler inspection department to inspect such boilers on owner's application.

Sec. 13. No notice required before *external* inspection.

Sec. 14. Fee for internal inspection to be $5, external $2 (for each inspection $2 under R. L. 1902, 105, sec. 4).

Sec. 15. Certificate to state maximum pressure at which boiler to be operated, and to be given only when boiler is in safe working condition.

Sec. 17. Certificate of inspection stating maximum pressure allowed on boilers inspected by boiler insurance company to be given by company ("or inspector," 1905, 472, sec. 2).

Sec. 18. No insurance company to issue policy for over three years; each boiler insured without previous inspection, externally and internally, to be inspected within one month after insurance effected on any boiler installed. After May 1, 1908, no insurance to be effected unless conforms to rules of construction of board of boiler rules.

Sec. 19. Certificate issued by insurance company to state owner or user, location, size and number of boiler, date of inspection, maximum pressure allowed, with necessary quotations from statutes; to be posted in engine room.

Sec. 21. Owner or user of boiler subject to inspection to report defects to boiler inspection department or insurance company.

Sec. 22. Owner or user to cease to operate boiler when insurance expires or is cancelled because operation is deemed unsafe.

Sec. 23. Boiler to be prepared for hydrostatic test if inspector or company directs.

Sec. 24. Governor, with consent of council, to appoint (within thirty days) a board of boiler rules; chief of boiler department of district police to be chairman; one of four other members to be an operating engineer, the other three to represent, respectively, boiler using, boiler manufacturing and boiler insurance interests; to serve three years; all except chairman to receive $500 each for first year, thereafter amount fixed by governor and council, not over $1,000 in any one year.

Sec. 25. Chief inspector of boilers to appoint clerk of board at $1,200; expenses of board not to exceed $1,500; attorney-general to give needed assistance in framing rules.

Sec. 26. Board to formulate rules, as to construction, installation and inspection of steam boilers, ascertain safe pressures, prescribe tests of materials, regulate fusible safety plugs and other appliances and make standard form of certificate of inspection.

Sec. 27. Such rules to have force of law after approved by governor; to be printed and furnished on request.

Sec. 28. Boiler inspection department of district police to enforce preceding sections and all rules of board of boiler rules. Former penalties imposed for violations under this act with the addition of a minimum fine of $20. Trial justice to have jurisdiction of complaints, in which case fine of not over $50 allowed.

1908, 563. — Sec. 1. Amends 1907, 465, secs. 1 and 18, by striking out the words "of construction" after the statements that certificates shall be granted and insurance be effective only for boilers which comply with the rules (thus allowing the board of boiler rules to make effective rulings on other points than *construction*).

2. *Dangerous Machinery, Fire Escapes, etc.*

R. L. 1902, 104, sec. 25. — Codifies 1894, 481.

1904, 347. — Looms shall be equipped with guards or other devices to prevent injury to employees from shuttles falling or being thrown from the looms; such devices shall be approved by inspection department of the district police, who are directed to enforce the act. Penalty: not over $100 for each week.

1907, 164. — Every person or corporation operating a factory or shop in which machinery other than elevators or heating or hoisting apparatus is used shall keep such a medical and surgical chest as shall be required by the local board of health. Fine for violation: $5 to $500 for every week.

1907, 503, sec. 1. — Amends R. L. 1902, 104, sec. 25, by requiring every egress to be provided with a sign bearing the word "exit" in letters at least five inches high.

3. *Sanitation in Factories.*

R. L. 1902, 106, secs. 47-55. — Codifies 1887, 103, secs. 1-4, and 173, secs. 1-3; 1888, 305; 1888, 149, secs. 1-4; 1891, 261; 1894, 508, secs. 34-43, 75; 1900, 239. Sec. 47-50: cleanliness, toilets in factories and workshops. Secs. 51-53: ventilation. Secs. 54-55: sanitation and ventilation of public buildings and schoolhouses.

1902, 322. — Manufacturing establishments shall furnish employees with pure drinking water during working hours; liable to fine of $100 on complaint of board of health or selectmen.

1903, 475. — Sec. 1. Fans or blowers shall be provided for emery wheels, buffing wheels, etc., in factories and workshops within three months after passage of act. Sec. 2. Such wheels shall be fitted with iron hoods or hoppers; and the fans or blowers aforesaid shall be of such size and run at such speed that all particles of dust shall be conveyed outside of building or into a receptacle. Sec. 3. Pipes and connections shall be suitable and efficacious, and such as shall be approved by the district police. Sec. 4. Act shall not apply to certain grinding machines where water is used, to solid emery wheels in wood-

working establishments, or to any emery wheel six inches and under in diameter where the principal business is not emery wheel grinding. Sec. 5. District police, upon written notice shall inspect any factory for such apparatus; if provisions are violated, they shall bring complaint in court; district attorney shall prosecute for violations. Sec. 6. Punishment for first offence, $25 to $100; for a second offence, aforesaid fine, or not over 60 days, or both.

1906, 250. — Foundries employing ten or more men, except in towns without sewerage or running water, shall maintain toilet rooms "of suitable size for the men to change their clothes therein," provided with running hot and cold water, and also a water closet separated from the toilet room. Both shall be connected directly with the foundry building, heated, ventilated, and protected, so far as may be reasonably practicable, from the dust of the foundry. Fine, not over $50 for each offence.

1907, 503, sec. 2. — Amends R. L. 1902, 104, sec. 41, by requiring that workshops be well lighted and be provided with receptacles for expectoration.

4. Sanitation in Tenement Workshops.

R. L. 1902, 106, secs. 56-61. — Codifies 1891, 357, secs. 1-7; 1892, 296, secs. 1-3; 1893, 246, secs. 1-6; 1894, 508, secs. 44-48, 63, 76; 1898, 150, secs. 1-3. Secs. 56-61. Places for making garments. Sec. 57. Inspector to report evidence of infectious disease. Sec. 58. Tenement-made clothing to be tagged. Sec. 59. Not to be sold without tag. Sec. 60. Clothing shipped into Commonwealth to be inspected under certain conditions. Sec. 61. Penalties.

1905, 238. — Amends R. L. 1902, 106, sec. 56, by adding requirement that contractors shall keep register in English of names and addresses of persons making clothing in tenements and shall forward copy of such register monthly to chief of district police.

5. Sanitation in Bakeries.

R. L. 1902, secs. 75, 28-34. — Codifies 1896, 418, secs. 1-8. Buildings occupied as bakeries shall be properly drained and plumbed; provided with wash-room and water closets having ventilation apart from bake-room; have no toilet or ash-pit within or communicating directly with bake-room. If required by board of health, bake-rooms shall have floors of cement and additional floors of wood saturated with linseed oil; walls and ceiling shall be plastered and

wainscoted and, if required by board of health, whitewashed at least once in three months. Sleeping places shall be separate from baking and storage rooms; storage rooms shall be perfectly dry and airy and so arranged that floors, shelves, etc., can be easily and perfectly cleaned. Owner or agent shall make changes within 60 days after notice; penalties: first offence, $20 to $50; second offence, $50 to $100 or not over 10 days of imprisonment; third offence, not less than $250 or not over 30 days, or both. Local board of health shall enforce these provisions and cause copies thereof to be printed and posted in all bakeries.

1902, 403. — Amends R. L. 1902, 75, sec. 34 by giving local boards of health power to make such further regulations as public health may require; to print and to post same in bakeries.

6. *Safety of Employees on Railroads.*

R. L. 1902, 106, sec. 71. — Codifies 1882.

1906, 463, part II, sec. 173. — Restates 1882, 73; R. L. 1902, 111, sec. 218.

1908, 420. — Amends R. L. 1902, 106, sec. 71, by extending provisions to cover employees on elevated trains.

1909, 348. Amends 1906, 463, by striking out section 173 of part II and inserting section 173 which restates earlier provisions, more explicitly extends application to all locomotives, including those on private railroads, and requires each person or corporation using a locomotive, other than a railroad corporation, to report before June 30th of each year number of locomotives, length of track, and other information required by board of railroad commissioners.

V. Inspection.

1. *By the School Committee.*

1902, 531. — Amending R. L. 1902, 65, sec. 17. School committee in Boston may regulate street trading of minors under 14.

1906, 151. — Amends R. L. 1902, 45, sec. 17, as amended by 1902, 531, by extending the provision of 1902, 531, to all cities of the Commonwealth.

1906, 499, sec. 3. — Duties of truant officers. See Page 312.

2. *By the District Police.*

R. L. 1902, 108, secs. 1-8. — Codifies 1865, 249; 1866, 261; 1867, 349; 1868, 338; 1871, 394; 1872, 355; 1874, 405; 1875, 15; 1876, 216;

1877, 214; 1878, 242; 1879, 305; P. S. 103, 104; 1880, 181; 1881, 137; 1882, 266; 1884, 52; 1885, 131; 1887, 127, 218 and 256; 1888, 113 and 426; 1890, 137; 1891, 302; 1892, 128 and 249; 1893, 387; 1894, 382 and 481; 1895, 418; 1896, 546; 1898, 219 and 261.

1903, 475, sec. 5. — District police shall enforce law requiring fans and blowers, hoods and pipes for removal of dust from emery and buffing wheels or belts.

1904, 430. — The governor is requested to appoint two additional members of the district police force, who shall be employed as additional inspectors of factories and public buildings on the same terms as those already employed. These appointments may be made without giving to veterans the preference required by R. L. 1902, 19, secs. 21, 22.

1906, 499, sec. 2. — Duties relative to employment of minors. See Page 312

1907, 413. — Amends R. L. 1902, 108, by adding to the duties of the inspection department of the district police the enforcement of provisions concerning the lighting of factories and workshops and the cleanliness of workshops.

1907, 499. — There shall be right of appeal on all questions relating to heating, ventilating, plumbing, etc., from the requirements of the chief of the district police or of inspectors of the district police to the state board of health, whose decision shall be final.

1908, 389. — Sec. 1. Repetition from previous acts as to powers, duties and right of entry of inspectors of factories and public buildings; inspectors instructed *not* to make investigations concerning health and the influence of occupation on health or, particularly, to investigate or order structural changes for ventilating and sanitary purposes, provided, however, "that they may order structural changes for any purpose whenever the necessity therefor has been reported in accordance with 1907, 537, sec. 5.[1] Sec. 2. Penalty for hindering inspector from entering: $50 to $100. Sec. 3. Trial justices, police, municipal and district courts given jurisdiction.

1908, 487. — Sec. 3. Repeals R. L. 1902, 104, sec. 19-20; 1907, 499, and inconsistencies. Sec. 1. Appeals from orders of an inspector of factories and public buildings within 10 days may be made to a judge of the superior court. Hearing may be held by the court or court may appoint three disinterested persons to examine the matter and hear the parties. The decision of the court, or the decision in writing and under oath of the majority of the experts, filed with

[1] See under Inspection. 3. State Inspectors of Health.

county clerk within 10 days after the hearing may alter, annul or affirm the inspector's order. Such decision shall have same authority as inspector's original order. Sec. 2. Reasonable compensation may be awarded to said experts by the court. If inspector's order is annulled, costs shall be paid by the county; if affirmed, by applicant.

1909, 354. — Amends 1908, 389, sec. 1, by cutting out the exception which prevented the inspectors of factories and public buildings from investigating heating, ventilating and sanitary conditions in public buildings, thus restoring to them that power.

3. State Inspectors of Health.

1907, 537. — Sec. 1. The state board of health shall divide the Commonwealth into not more than fifteen health districts. Sec. 2. The governor, with the consent of the council, shall appoint one practical and discreet person, learned in the science of medicine and hygiene, as state inspector of health in each district. They shall hold office for five years, subject to removal by governor and council at any time. Sec. 3. Every inspector of health shall inform himself respecting the sanitary condition of his district; gather information concerning the prevalence of tuberculosis and other diseases dangerous to the public health, disseminate knowledge as to means of preventing spread of such diseases, and, after consultation with state and local health boards, take steps for their eradication; inform himself concerning health of minors in district and when he deems advisable call a minor's physical unfitness to attention of parents or employees and state board of health. Sec. 4. Said inspectors shall be under the general supervision of the state board of health and shall perform at its direction other duties than those imposed by this act. They shall make an annual report to board, furnish it with information from time to time, and send to it copies of all written suggestions made to local health authorities. Sec. 5. The health inspectors in place of the inspection department of the district police shall enforce the following provisions: R. L. 1902, 104, sec. 41 (in so far as it provides that factories shall be well ventilated and kept clean); R. L. 1902, 106, secs. 41, 44, 47-61; 1902, 322; 1903, 475; 1905, 238; 1906, 250; the powers and duties heretofore belonging to inspectors of district police according to 1902, 108, sec. 8, in respect to foregoing and all future acts in addition or amendment to any of the foregoing are given to inspectors of health; provided, however, that neither the board of health nor any health inspector may require structural

alterations to be made in buildings, but shall report the necessity therefor to the inspection department of the district police. Sec. 6. Salaries shall be established by governor, with consent of council, according to the amount of work to be done in respective districts. Sec. 7. Not more than $25,000 shall be expended for salaries; not more than $5,000 for other expenses. Sec. 8. The state board of health may from time to time employ experts in sanitation.

VI. The Employment Contract.

1. Voting.

R. L. 1902, 11, sec. 5. — Codifies 1887, 272, sec. 1; 1890, 423, sec. 142; 1893, 417, sec. 7; 1894, 508, sec. 4; 1898, 548, sec. 5. Time to vote guaranteed to employees.

1902, 384. — Amends R. L. 1902, 11, sec. 5, by including all elections (formerly state elections only) and omitting requirement of notice by employee for leave of absence.

1904, 334. — Amends R. L. 1902, 11, by striking out section 5, as amended by 1902, 384, and inserting a section 5 restoring the requirement that an employee must make application for leave of absence, in order to leave work to vote.

1907, 560, sec. 5. — Embodies 1904, 334.

1907, 560, sec. 447. — Penalty for such employment at the time of a *state* election: fine of not over $100.

2. Intimidation.

R. L. 1902, 106, secs. 10-13. — Codifies 1875, 211, secs. 1, 2; P. S. 74, secs. 1, 2; 1892, 330; 1894, 437, and 508, secs. 1, 3; 1895, 129; 1900, 469. Sec. 10. Discharge. Sec. 11. "Intimidation from employment." Sec. 12. "Intimidation from trade unions." Sec. 13. Right of employee in public work to select lodging.

R. L. 1902, 106, sec. 15. — Codifies 1900, 282. Railroads, etc., shall not require from employees bonds to indemnify said railroads, etc., against loss or damage to persons or property.

1902, 430. — Use of insignia, etc., of a labor union by person who is not a member shall be punished by fine of not over $20 or imprisonment for not over 30 days, or both.

1903, 275. — Registration of insignia, etc., of labor unions indicated in 1902, 430, shall mean registration in office of secretary of Commonwealth after manner of registration of labels detailed in R. L. 1902, 72, secs. 7, 8.

1903, 320. — Sec. 1. No public service corporation (railroad, electric light, gas, telephone, etc.) shall appoint or discharge any person at request of a state official (governor, member of council or general court, judge, etc.) No such officer shall make any request relative to appointment, retention, etc.; no such person shall solicit any such official request, recommendation, etc. Sec. 2. Probation officers, notaries public and justices of the peace shall not be considered public officers in meaning of this act. Sec. 3. Fine: $50 to $100.

1904, 335. — Repeals 1902, 430, and 1903, 275, and restates their provisions.

1904, 343. — Penalties for corrupt influencing of agents, employees or servants through offering of any gratuity or commission: $10 to $500, or such fine and imprisonment for not over one year. No person shall be excused from testifying on the ground that the testimony may tend to incriminate him, but he shall not be liable to prosecution on account of any matter concerning which he may testify.

1908, 228. — Amends 1903, 320, sec. 2, by adding to the list of exempted officers "prison officer, agent of the prison commissioners, and agent of the board of charity."

3. Employer's Liability.

1900, 446. — Amends 1887, 270, sec. 3, as amended by 1888, 155, and 1892, 260, sec. 2, by raising from 30 to 60 all numerical requirements as to days within which notice must be given, etc.

R. L. 1902, 106, 71-79. — Codifies 1887, 270; 1888, 155; 1892, 260; 1893, 359; 1894, 389; 1894, 499; 1900, 446. Sec. 71. Defects. Negligence of superintendents. Employee's right of action in some circumstances the same as though not an employee. Sec. 72. Death after suffering. Sec. 73. Instantaneous death. Sec. 74. Amount of damages. Sec. 75. Notice to employer. Sec. 76. Contractors. Sec. 77. When employer not liable. Evidence to reduce damages. Sec. 79. Not apply to domestic or farm laborers.

1906, 370. — Amends R. L. 106, sec. 72, by adding the provision that "in the same action under a separate court at common law" the legal representatives of an employee whose injuries resulted in death which was not instantaneous may recover damages also for the conscious suffering which resulted from the injury.

1908, 380. — A justice of the superior court, upon receipt of petition stating that an employee has been injured through defect in works or machinery and that an examination of works is necessary to

protect interests of injured person may order an examination of such works; order shall not be granted without notice to employer, and a hearing.

1908, 457. — Amends R. L. 1902, 106, sec. 73, by adding the provision that an action brought by widow or next of kin of an employee killed through employer's negligence shall not fail because it should have been brought under the provisions of R. L. 1902, 106, sec. 71, but may be amended to provide against such failure at any time prior to final judgment. Sec. 6 repeals so much of R. L. 1902, 106, sec. 16, as is inconsistent herewith.

1908, 489. — Sec. 1. Any employer may submit to the board of arbitration and conciliation a plan of compensation for his employees based upon a percentage of their average earnings and without reference to the employer's legal liability under the common law or to the employer's liability act. After a public hearing thereon the board may attach to the plan a certificate of approval. Sec. 2. After obtaining such certificate, the employer may enter into a contract with his employees by which said employees release the employer from liability in case of injury and accept in lieu thereof the compensation provided in said plan. Sec. 3. Either parent or guardian of a minor may consent for him in writing to said plan. Sec. 4. No employer shall require as a condition of employment that any employee shall assent to any plan of compensation or waive right to damages. Sec. 5. No contract under a plan of compensation shall be binding for more than one year.

1909, 211. — Adds new section.

1909, 363. — If a defect in works or machinery has been reported to person whose duty it is to remedy such defect and it is not remedied within a reasonable time and by reason of the defect an employee is injured, such employee shall not be held to have assumed the risk of such injury.

VII. Wage Payment.

1. Weekly Payments.

R. L. 1902, 106, sec. 62. — Codifies 1879, 128; P. S. 28, sec. 12; 1886, 87, secs. 1, 2; 1887, 399, sec. 1; 1891, 239, sec. 1; 1894, 508, secs. 51, 65; 1895, 438; 1896, 241, 334; 1898, 481; 1899, 247; 1900, 470. Weekly payments.

1902, 450. — Amends R. L. 1902, 106, sec. 62, by requiring that any employee leaving or being discharged from such employment shall be paid in full on the following regular pay day.

1906, 427. — Amends R. L. 1902, 106, sec. 62, as amended by 1902, 450, by adding the requirement that counties as well as cities shall pay their employees weekly, unless such employee requests in writing to be paid in a different manner. (Formerly counties, like towns, were required to pay weekly only if employee required it.)

1907, 193. — Amends R. L. 1902, 106, sec. 62, as amended by 1902, 450, and 1906, 427, by inserting the words "the wages or salary earned by him" after the statement that public authorities shall so pay every employee who is engaged in their business. (Purpose evidently greater exactness of expression to avoid disputes.)

1904, 349. — Officers or agents of a county, city, or town who contract for construction of public work shall obtain security, by bond or otherwise, for payment by contractor for labor and materials; but claimant must file with such officers or agents sworn statement of claim within 60 days after completion of work.

1908, 650. — Amends R. L. 1902, 106, sec. 62, as amended by 1906, 427, and 1907, 193, by adding to the number of public officials who must be paid weekly "every person employed by the Commonwealth in any penal or charitable institution."

2. Fines.

R. L. 1902, 106, sec. 64. — Codifies 1887, 361; 1891, 125; 1892, 410, secs. 1, 2; 1894, 508, secs. 55, 66. Grading of work not to lessen wages of weavers.

R. L. 1902, 106, sec. 65. — Codifies 1894, 534, sec. 1. Specifications to be furnished to weavers in cotton factories.

R. L. 1902, 106, sec. 66. — Codifies 1895, 144, sec. 1; 1901, 370, sec. 1. Specifications, rates of compensation, etc., to be posted in textile factories.

R. L. 1902, 106, sec. 67. — Codifies 1894, 534, sec. 3; 1895, 144, sec. 3; 1901, 370, sec. 2. Enforcement of two preceding sections.

R. L. 1902, 106, sec. 67. — Codifies 1894, 534, sec. 2; 1895, 144, sec. 2; 1901, 370, sec. 2. Penalties.

R. L. 1902, 106, sec. 69. — Codifies 1898, 505. Deductions from wages of women and minors because of stoppage of machinery.

1905, 304. — Inconsistencies repealed. Amends R. L. 1902, 106, sec. 65, by reducing from seven to three the number of days within which specifications must be furnished to cotton mill operatives; amends section 66 of the same chapter by modifying details to be noted in specifications, *i.e.*, maximum length of cut or piece shall not exceed three (formerly five) per cent of intended length, and

by adding the provision that if a variation in excess of this amount appears to have been caused by a weaver, this shall be a sufficient defence for the employer against prosecution; fines and enforcement provisions restated.

VIII. Arbitration.

R. L. 1902, 106, secs. 1–6. — Codifies 1886, 263, secs. 1–6, 8–9; 1887, 269, secs. 1–5; 1888, 261; 1890, 385; 1892, 382. State board of conciliation and arbitration.

R. L. 1902, 106, sec. 7. — Codifies 1886, 263, sec. 7; 1887, 269, sec. 4. Local boards of conciliation and arbitration.

1902, 446. — Amends R. L. 1902, 106, sec. 2, by allowing notification of board that strike or lockout exists or is threatened to be made by "employer or employees concerned in the strike or lockout" (formerly by mayor or selectmen only), and by requiring that the board shall investigate the cause of the controversy (formerly "may, if it considers it advisable").

1904, 313. — Sec. 1. Amends R. L. 1902, 106, sec. 2, as amended by 1902, 446, by requiring the board to investigate a controversy upon the request of the governor, if in his opinion it seriously affects the public welfare. Sec. 2. Amends ibid., sec. 3, by allowing the board, with the consent of the governor, to conduct inquiries beyond the limits of the Commonwealth. Sec. 3. Amends ibid., sec. 4, by eliminating the requirement of a written authorization for the agent of the employees in a controversy. Sec. 4. Amends sec. 5 by allowing each side to nominate more than one person from whom an expert assistant to the board shall be named.

1904, 399. — Repeals so much of R. L. 1902, 106, sec. 1, as is inconsistent. Salaries of members of board raised to $2,500 a year and expenses; maximum paid to secretary raised to $1,500 a year.

IX. Small Loans and Assignment of Wages.

1905, 308. — No assignment of future earnings shall be valid unless executed in writing for a period not exceeding two years. The assignment must state the date of execution and the amount of the debt with lawful interest. It shall be valid only to secure a debt contracted before the assignment or simultaneously with it, or a debt for necessaries to be furnished thereafter. The assignment shall not be valid against a trustee process unless it is recorded in the office of the clerk of the city or town in which the assignor resides before the writ is served upon the alleged trustee.

1906, 390, sec. 6. — Repeals inconsistencies. Sec. 1. No assignment of future wages shall be valid for a period exceeding two years, nor unless, to secure a debt contracted before or simultaneously with the execution of the assignment, nor unless executed in writing in the standard form herein set forth and signed by assignor in person and not by an attorney; nor unless it states date, money or money value of goods, and rate of interest to be paid. Sec. 2. A copy must be given to the assignor and one to his employer. Balance due and sums paid, with dates, shall be stated; also whether each payment is interest, payment on the principal, or, in case of a loan, a payment on the charge for making and securing the loan. Sec. 3. "Assignment" is defined as including every instrument purporting to transfer an interest in or an authority to collect the future wages of a person. Sec. 4. Standard form given. Sec. 5. An assignment made in accordance with this act shall bind all wages earned by assignor within period named. Sec. 9. Repeals inconsistencies.

1908, 605. — Sec. 1. The business of making loans of $200 and less upon which more than 12 per cent interest is charged and for which no security other than a note or contract is required, shall not be engaged in without a license, granted in Boston by the police commissioner, in other cities by the mayor and aldermen, in towns by the selectmen. Sec. 2. The licensing officer or board shall establish regulations; no licensee shall charge a greater rate of interest than that fixed by licensing officer or board. Sec. 3. Amounts not exceeding the following sums, if both parties agree, may be taken by the lender as the expense of making the loan, in addition to interest: $2 for a loan not exceeding $25; $3 for a loan between $25 and $50; $5 for a loan between $50 and $100, and $10 for a loan over $100. Any greater amount taken shall be deemed to be interest. Sec. 4. Penalty for engaging in the business without a license: fine of not more than $300 or not over 60 days, or both. Sec. 5. License may be revoked for violation of its terms or of the regulations. Sec. 6. National banks, banking institutions under the supervision of the bank commissioner, and loan companies established by special charter under said supervision shall be exempt from provisions of the act. Sec. 7. No assignment of future wages to secure a loan of less than $200 shall be valid against an employer until his acceptance in writing is filed with city or town clerk. Sec. 8. No such assignment of wages by a married man shall be valid without his wife's written consent. Sec. 9. Inconsistencies are repealed.

1909, 317. — Amends 1908, 605, sec. 6, by inserting the word "foregoing" before the word "provisions," thus exempting the institutions from the provisions of first five sections only, not the later sections on assignment of wages.

X. Free Employment Offices.

1906, 435. — Sec. 1. Free employment offices shall be established under the direction of the chief of the bureau of statistics and labor in cities selected after investigation by the bureau and with the approval of the governor and council. Sec. 2. The chief of the bureau shall establish such offices in each of the cities selected within three months after the passage of the act, provide rooms and equipment, and appoint a superintendent and clerk. Sec. 3. Records according to forms devised and furnished by bureau of all applicants seeking employment or desiring to employ shall be kept. Each office shall be indicated by a sign. Sec. 4. No fees shall be taken. Sec. 5. Only residents of the Commonwealth may register. Proof of residence from a selectman or mayor may be required. Sec. 6. Superintendents shall make semi-weekly reports to chief of bureau; these shall be posted in offices, exchanged between offices, and supplied to newspapers and citizens, upon request. Sec. 7. Any clerk or superintendent who receives any fee shall be subject to a fine of not over $100 or imprisonment for not over 30 days, and be disqualified for further connection with the offices. Sec. 8. Not over $5,000 shall be expended for purposes of the act. Salaries of superintendents and clerks shall be fixed by chief, with approval of governor and council.

1907, 135. — Repeals 1906, 435, sec. 8. Not over $25,000 shall be expended, upon the approval of chief of bureau of statistics of labor, who shall fix salaries, subject to approval of governor and council. Furniture and fixtures shall be provided for by the sergeant-at-arms, according to the manner and under the restrictions specified in R. L. 1902, 10, sec. 4.

1908, 306, sec. 1. — Chief of bureau of statistics of labor is hereby authorized to furnish weekly to clerks of all cities and towns bulletins showing demand for employment, classified according to localities and occupations. Sec. 2. Said clerks shall post such lists in conspicuous places. Sec. 3. A clerk who fails to comply shall be fined not more than $10.

1908, 485. — Amends 1906, 435, secs. 2–6, and 1907, 135, sec. 1, by rephrasing and rearranging the former provisions and by making

changes as follows: (sec. 1) by permitting the chief of the bureau to appoint an assistant superintendent and such clerks as he (the chief) may deem necessary for each office; (sec. 4) by permitting non-residents to register, while giving preference to residents; (sec. 5) by substituting for the semi-weekly reports "such reports as may be required by the chief of bureau;" (sec. 6) by substituting for the provision of a fixed sum for maintenance a provision allowing the expenditure of "such sum as the General Court may annually appropriate;" and (sec. 7) by introducing the new requirement of an annual report before the third Wednesday in January to the General Court by the chief of the bureau of statistics of labor.

ADDENDA — LAWS OF 1910

Regulation of Child Labor.

1910, 249. — Amends 1909, 514, sec. 61. — Any person concerned in forging a birth certificate is subject to a fine of $100 to $500, or imprisonment for three months to one year, or both.

1910, 257. — Amends 1906, 502, secs. 1, 2, and 1909, 514, secs. 58, 60. — All children between 14 and 16 must be examined by school physicians as to physical capacity for work before age and schooling certificate is granted.

1910, 404. — Amends 1909, 514, sec. 75. — The state board of health may prohibit the employment of children under eighteen in occupations determined to be injurious to the health of minors.

1910, 419. — Amends R. L. 65, sec. 17. — Any person who permits a minor under his control to violate the licensing law for street trades, or persons who after due notice furnish articles for sale to such child, shall be punished by a maximum fine of $200 or six months' imprisonment.

Sanitation.

1910, 543. — Provision for regulation and recording of humidity and temperature in spinning and weaving departments of textile factories where water is used for humidifying purposes. Such water must not be dangerous to the health of the employees. An additional annual appropriation of $1,000 is provided for its enforcement.

INSPECTION.

1910, 259. — Amends 1909, 514, secs. 80, 82. — The inspection of factories and workshops as to necessary sanitary provisions, and the prosecution for violation, are transferred from "the inspection department of the district police" to the state inspectors of health.

1910, 523, secs. 1, 2. — Amends 1907, 537, secs. 1, 2. — Appointment and removal of state inspectors of health by the state board of health with the consent of the governor and council. Health districts may be changed at the discretion of the same.

EMPLOYERS' LIABILITY.

1910, 166, secs. 1–3. — Amends R. L. 51, sec. 21, and 1909, 514, sec. 132, providing that if a person injured dies within the time required for giving notice for a suit to recover damages, his executor may give it within thirty days after his appointment.

1910, 611. — Amends 1909, 514, sec. 132, providing that if the employer dies before notice of action for damages has been given by the injured employee, such notice may be made to his executor.

LABOR DISTURBANCES.

1910, 445. — If an employer advertises for workers to fill the places of strikers, he must explicitly mention that labor disturbance exists. Penalty not to exceed $100 for each offence.

CHAPTER VI

THE REGULATION OF PRIVATE EMPLOYMENT AGENCIES IN THE UNITED STATES

MABELLE MOSES

THE REGULATION OF PRIVATE EMPLOYMENT AGENCIES IN THE UNITED STATES

In his recent address before the University of Berlin, Colonel Roosevelt said "When in America we study labor problems and attempt to deal with subjects such as life insurance for wage-workers, we turn to see what you do here in Germany and we also turn to see what the far-off Commonwealth of New Zealand is doing."[1]

Although until recently matters relating to the social and economic welfare of the people have received slight consideration in America, we are slowly beginning to see that they really strike at the roots of the welfare of the nation, its prosperity and the contentment of the people.

One of the most vital of the many problems is that of the distribution of labor, with which is closely involved the important element of unemployment. Upon the proper distribution of labor in the labor market depend production, wages and stability of employment. Before one can consider the larger question of employment, however, it is necessary to know something of the existent means by which labor seeks employment and by which also employment seeks labor.

At present the only means in this country for the distribution of labor is the employment agency. Hence any such study becomes an inquiry into the efficiency of these agencies. Questions which very naturally present themselves are: Do the employment agencies meet the public need? Are they properly regulated? Is the present means for the distribution of labor the best one? Has the state any responsibility for providing a proper means to secure employment? The first approach to the subject may well be a comparative study of the laws already existing for the regulation of employment agencies with the hope that the way may thus be pointed to the necessity for further study of this

[1] *Outlook*, May 14, 1910, p. 67f.

important subject. In the accompanying tabulations a survey of the situation has been made purely from the point of view of the existing system, there having been no attempt to test the adequacy of the laws to meet the situation.

Fourteen states and the District of Columbia have legislated on this subject within the last five years[1] showing that there is a dim consciousness on the part of the public in certain sections that employment agencies need additional regulation. On the other hand, it is to be noted that only half of the states of the United States or twenty-four states and the District of Columbia[2] have any laws on this subject, and in eight of the twenty-five the regulations are totally inadequate, namely, in Idaho, Louisiana, Montana, New Hampshire, Rhode Island, Tennessee, Virginia and Wyoming. This forces us to the conclusion that, while a high standard has been set in the case of the New York law which has apparently served as a model for five of the states legislating most recently, as a whole the United States is not in any way adequately meeting this very real problem which concerns the industrial welfare of thousands of working men and women.

As a means of providing a partial solution for present conditions, a movement has shown itself in this country within the last ten years which is a reflex from Germany, namely, the establishment of the free employment offices which have now been organized in seventeen states.[3]

The laws regulating private employment agencies resolve themselves into three parts and are presented in three charts, namely, I, the sections referring directly to the regulation of the office,[4] II, those which place certain restrictions upon the way in which the business shall be conducted,[5] III, the method of enforcement of the laws.[6]

[1] 1910, New York. 1909, California, Colorado, Illinois, Indiana, Missouri, Utah. 1908, Oklahoma. 1907, Iowa, Maine (amended 1909), Minnesota, New Jersey, Pennsylvania, Tennessee. 1906, District of Columbia (amended in 1909).

[2] Other cities which have employment agency laws are Detroit and Seattle. Only the District of Columbia has been included in the tabulation because that seems to fall more naturally into the state group.

[3] Colorado, Connecticut, Illinois, Indiana, Kansas, Maryland, Massachusetts, Michigan, Minnesota, Missouri, Montana, Nebraska, Ohio, Oklahoma, Rhode Island, West Virginia, Wisconsin.

[4] Chart I, Regulation of offices.

[5] Chart II, Restrictions upon office-keepers.

[6] Chart III, Enforcement of the laws.

Chart I. The regulations which are imposed upon the offices by law classify themselves as follows:

1. Those which restrict the granting of the license.

2. Those which require the provision of certain business methods.

It will readily be appreciated that upon the care exercised in granting the license rests the determination of the character of the business as a whole. It is essential, then, that the granting power be an impartial, conservative and judicious person, or body of persons, who will exercise the duties, trivial as they may seem to many,[1] with foresight and discretion. Recent legislation shows a marked unanimity as to where the responsibility should be placed. Eight states,[2] or one third of those which have laws, put the power to grant licenses to employment agencies into the hands of the commissioner of the bureau of labor statistics. The matter is thus at once classified as a labor problem and is by this means placed under the jurisdiction of the department which more than any other in the state should be in touch with the general status of the labor market and all problems which affect it.

Besides this system which gives the power to state officials, we find two others in use where power rests in the hands of local officials.

1. Municipal or town officers grant the licenses. This group, consisting of eleven states,[3] is the largest group to follow any one plan. In this group have been included New York and Pennsylvania because in these states, in cities of the first and second class, a special local officer[4] is appointed, as by the mayor in New York, to take charge of the employment office business. This plan will commend itself as the most progressive since it retains local authority and at the same time puts the matter into the hands of a special officer who is held accountable.[5]

[1] In Massachusetts, employment agencies are grouped with bowling alleys, picnic groves, junk dealers, etc.

[2] California, Colorado, Connecticut, Illinois, Indiana, Missouri, Ohio, Oklahoma.

[3] Louisiana, Maine, Massachusetts, Minnesota, New Hampshire, New Jersey, New York, Pennsylvania, Rhode Island, Utah, Wisconsin.

[4] In New York, the name given to the official is the Commissioner of Licenses, while in Pennsylvania, he takes the title of Director of Public Safety.

[5] It must be borne in mind that the success of this plan depends upon the adequacy of the state law.

2. The license is granted by the county commissioners or county clerk in three states[1] and the District of Columbia.

In his speech before the National Child Labor Conference, held in Boston, January 15, 1910, ex-Governor Guild emphasized the wisdom of two tendencies discernible at the present time in legislation in this country: First, the tendency to unify the federal laws, which means that the main features of the laws on a given subject are made alike in the various states; second, the tendency toward increased federal control, which means one law on the same subject instead of forty-eight laws. Objection has always been raised in the United States to the second policy on the basis of states rights and its disregard of democracy. The real point involved it would seem is which method offers the greatest protection to the greatest number. Similarly, are not the interests of all often better safeguarded by uniform legislation which has been wisely framed than by many local laws which are frequently at variance, one with the other?

We have found that the laws regulating employment agencies involve both the principle of state control and that of local control. An argument in favor of state supervision of employment agencies is the increasing mobility of labor,[2] and is well stated in a letter received from a former commissioner of licenses in New York. "Putting employment agencies in the hands of a mayor in second class cities undoubtedly does tend toward less efficient administration. I think the sentiment is increasingly strong here that we must have state supervision of private employment agencies, since these agencies are constantly doing business outside of their own borders." Local control often means no adequate supervision for the reason that when the matter of determining regulations as to fees, refunds, etc., rests in the hands of a local body, that body has but little sense of its responsibility, and makes no effort to study the situation or to institute proper regulations. The wisest system would therefore seem to be that which provides due supervision throughout the state and, therefore, lessens the chances of abuse by placing the matter in the hands of a responsible state official.

[1] Idaho, Tennessee, Wyoming, Iowa and Montana make no provision as to who shall grant the license.

[2] Many factors tend to bring this about, — immigration, contract labor in mines, lumber camps, Italian padrone system, emigration from cities to country.

Recent legislation on this subject foreshadows still another necessity, that of some degree of uniformity between the various states. The desirability of this is suggested in the letter already quoted, which points out that the agencies are constantly doing business outside their own borders. This means not only outside city limits but often outside state limits. The placing of labor must be regarded not as a local or state problem, but in its broadest sense as a national problem. That the best interests of state and local communities be served and adequate protection and supervision afforded, a degree of uniformity along the most progressive lines in state legislation would seem most desirable. If, however, neither wise state control nor uniformity in state legislation be attainable, the only sort of local control which can be efficient is that already commended as in use in Pennsylvania and New York, — a specially appointed and duly qualified officer whose sole duty shall be the supervision of employment agencies.

Of importance second only to that of determining who shall grant the license is the question of so restricting the privilege of obtaining a license that only persons well fitted to carry on the business shall receive it. Two elements enter here, first, that of the moral character of the licensee, second, his financial responsibility. In order to establish as well as may be the moral character of the licensee, five states [1] and the District of Columbia have incorporated in the state law the provision requiring affidavits from two persons who have known the licensee for a period varying from two to five years. Furthermore, the process of obtaining the license is made still more difficult in three states [2] and in the District of Columbia by the requirement that the application for the license must be made at least one week before it is granted, in order that these affidavits may be verified and the chance

[1] Requirement of affidavits: —
Illinois — as to moral character from two persons who have known licensee two years.
New Jersey — as to good moral character.
New York — Such application shall be accompanied by the affidavits of at least two reputable residents of the city to the effect that the applicant is a person of good moral character.
Pennsylvania — two affidavits of freeholders of the ward.
Virginia — certificate from corporation court of city or circuit court of county as to good character.
District of Columbia — commissioners must be satisfied that applicant is of good moral character and may require any statement to be made.

[2] Illinois, Pennsylvania, New Jersey. District of Columbia follows above except with reference to application within thirty days.

given for any one to show cause why the license should not be granted.

The recently revised New York law[1] has dealt with the whole matter of procedure upon application in the most definite and progressive manner of any of the states. After carefully specifying how the application shall be made[2] it further provides that the application shall be posted in a conspicuous place in the public office of the mayor or commissioner of licenses; that the mayor or commissioner of licenses shall investigate or cause to be investigated the character and responsibility of the applicant and shall examine or cause to be examined the premises designated in such application as the place in which it is proposed to conduct such agency. The law also makes it possible for protest against the issuance of a license to be made within one week in writing, stating the reason why such license shall not be granted. A hearing upon the subject is to be accorded[3] and if it appear that the applicant is not a person of good character, or that the place where the agency is to be conducted is not a suitable place, or that the applicant has not complied with the provisions of the law, the application shall be denied and no license granted. Furthermore, the New York law provides that action either favorable or unfavorable must be taken within thirty days of filing.

It will thus be seen that by minute regulation the new law in New York aims as far as possible by statute law to standardize both the character of the person undertaking the business and the locality where it shall be pursued.

The financial responsibility of the licensee is established in fifteen states[4] and the District of Columbia by the requirement of a bond varying in amount from $250 in Oklahoma to $5,000 in Idaho and Louisiana, with two sureties, and so conditioned that any one defrauded at the hands of the licensee may enter suit and recover damages. Two states [5] require a bond of $5,000, one state requires a bond of $2,000, six states and the District of

[1] Approved by the governor, June 25, 1910.

[2] New York Law, 1910, ch. 700, sec. 173.

[3] Five days' notice of such hearing being given to the applicant and to the person filing the protest.

[4] Colorado, Connecticut, Idaho, Illinois (for licensee and inspector), Indiana, Louisiana, Maine, Minnesota, Missouri, New York, Ohio, Oklahoma, Pennsylvania, Utah, Wisconsin.

[5] Illinois requires the inspector also to give a bond to the extent of $5,000.

Columbia require a bond of $1,000, five states require a bond of $500, and one state requires a bond of $250. In addition to the requirement of the bond, ten states[1] also insert the clause by which the licensee is protected only in the place mentioned, unless consent to removal is given by the granting power. Another point, often lost sight of, is that the business may be further standardized by the requirement of a fee for the license sufficiently large to make it a protection against the absolutely inefficient person entering the business. The fee for the license varies from not less than $2 in Massachusetts and New Hampshire, to $100 in Minnesota and Ohio. A somewhat uniform fee[2] is, for cities of the first class, $50, and for cities of the second class, $25.[3]

It is not only necessary that the licensee shall be a person properly qualified to do business, but it is necessary that his business shall be so conducted as to safeguard in every way the interests of the applicants both for help and for employment. To this end, more than half the states[4] require by law a register regarding the entries, in which most of the states make very specific requirements, such as date the application is made, name and address of employer and of employee, the kind of help wanted, the nature of the work to be performed, the rate of wages, the fees paid by both parties, as well as the number of persons sent and the name of the one retained. In all these states[5] the registers are required to be open for inspection and all false entries are prohibited, a penalty being provided in every instance under the clause "violation of any provisions of the law." The real value of the register is, however, the provision that the fees received from both employer and employee be recorded, with the rate of wages paid. Obviously when the amount of the fee is on a per cent basis, or is the result of an agreement between the agent and the em-

[1] The District of Columbia is often counted as a state in such summaries.

[2] Four states, California, Colorado, Missouri, Illinois, make this requirement for cities of the first and second class. In Pennsylvania the law applies to cities of first and second class. The fee is $50. In Montana the fee required is $10 per quarter.

[3] What shall constitute a city of the first or of the second class varies in different states. In Illinois in cities with population of 50,000 and more the fee is $50; in cities with less than 50,000 the fee is $25. In the New York and Pennsylvania laws the term cities first and second class is used but no definition as to population limit is given.

[4] Thirteen and the District of Columbia.

[5] Iowa also requires that records be open to inspection.

ployee, as in Illinois, a record of the fee is not sufficient; it is necessary to have a record of the amount of wages to be received, as this affords a means of discovering whether the per cent of wages taken as a fee is correct. The register when kept in this way also indicates the volume of business done. More important than anything else it provides a means of discovering whether employees are recalled and replaced for the sake of the fee.

Another important factor in carrying on the employment business in a manner which shall give satisfaction to the employer is the requirement by law that the licensee know the employees and their previous business record. In only five states, however, is the requirement made that references shall be obtained, verified, and duly filed in a separate book. It may be added in passing that in Prussia this system has been so far perfected that no domestic may receive a new position unless she can show to her prospective employer the police book, properly signed after the last position, indicating the nature of work, the position last held, wages received and the degree of capability. This it will be readily observed points to training and the guarantee of workers which is so much needed in this country, not only in domestic employment but in all grades of work.

Means of safeguarding the employee are the stipulation regarding the use of the card to the employer and the use of the employment contract. Ten states and the District of Columbia require the card to the employee, which usually contains the name and address of the employer, as well as of the employee, the address of the agency, and, in Colorado, Connecticut, Illinois, New York, the character of the situation.[1] Six states and the District of Columbia require the employment contract. Illinois, New Jersey and New York make the further requirement that this contract shall be written "in a language spoken or understood by the laborers," and that a copy be filed with the mayor or commissioner of licenses within five days. It will be easily comprehended how

[1] The new New York law provides that the card given to the employee shall also specify the rate of wages or compensation; the time of such services if definite, and if indefinite it shall be so stated; the name and address of the person authorising the hiring of such applicant; and the cost of transportation if the services are required outside of the city where such agency is located. Colorado and Connecticut also provide that the amount of the fee to be paid the employee shall be entered on this card.

the use both of the card to the employee and of the employment contract, with accompanying penalties for violation, lessens the chances of injury to be done the employee by his being sent by the agent to places where no work exists, and under terms with which he is not entirely familiar and which he has not agreed to.[1]

Proper location[2] of the offices as well as sanitary conditions are important factors both in determining the class of patronage and in affording protection to the employee. Eleven states, therefore, make stringent requirements in this respect, aiming thereby to raise the standard of the business. Location of an office is prohibited (1) in or near any place where intoxicating liquors are sold, except cafés and restaurants, (2) in lodging houses or rooms used for living purposes or where boarders are taken, where meals are served, or where people sleep. It is further stipulated[3] that if the licensee conduct a lodging house for the unemployed it shall be specifically so stated in the license. Thus by placing the power to grant licenses in the hands of a state official who is responsible for conditions throughout the state, or of especially appointed local officers who have no other duties and who are responsible and judicious people, by so restricting the granting of the license that reliable people only shall be able to obtain them, and finally by setting a standard according to which the business shall be conducted, the most progressive legislation aims to emphasize the importance of this hitherto neglected subject.

Chart II. The greatest opportunity for fraud in the employment business exists in reference to fees. It is with the subject of fees, as well as with that of the interpretation of fraud in its broadest sense as illustrated by the laws in a few states, that our second chart is concerned. In order properly to especially safeguard the interests of the employee, as well as to place the business on

[1] Attention is especially called to the most progressive requirements as to the card given the employee in the New York law. An attempt is evidently being made here to approach the question of definite hours of service, even in domestic labor, by requiring that the parties to the contract shall make some definite stipulation as to hours, or if that is not possible shall understand that it is an indefinite rather than a definite contract. Also an effort is made in this law to further protect the employee from being sent where no employment exists by requiring the name and address of the person authorising the employment of the person. Both these clauses are to be commended as steps in the right direction.

[2] Taken from Chart II, Restrictions upon office-keepers.

[3] Two states, New Jersey and New York, and District of Columbia.

the basis of a legitimate profit only, the most recent laws have dealt in detail with the questions of the amount of the fee, the amount of the refund, and the conditions under which the refunds shall be made, specifying in a few instances what fees are unlawful. By the most recent laws, also, a comprehensive interpretation of fraud is given which in operation acts as a check upon the requirements already discussed under Chart I.

According to the laws, fees are classified as registration and regular fees, but often it is rather difficult to distinguish clearly just what the registration fee is or under what circumstances it is taken. The purpose of the registration fee is obvious, namely, to recompense the office for service rendered when its services in placing the candidate are not accepted, and when it is not therefore entitled to collect the entire fee. The well-known habit of the employer[1] of applying for help in half a dozen offices at once to make sure that his order is promptly and satisfactorily filled, makes it perfectly just that the offices should have some recompense for the clerical and other service thus rendered. The danger in the registration fee is, of course, that the office will induce the prospective employee to pay the fee by offering false inducements to him, promises of work which the agent has neither the prospect nor the intention of fulfilling. Eleven states and the District of Columbia by law provide this registration fee, the amount of which varies from not more than $1 to 10 per cent of the first month's wages. In Connecticut and the District of Columbia the regular fee seems to be a duplicate of the registration fee. In New York, New Jersey and Pennsylvania a provision exists which serves as a registration fee, namely, "Failure of said applicant for help to notifiy said licensed person that such help has been obtained through means other than said agency, shall entitle said licensed person to retain or collect three fifths of said fee."[2] That the registration fee is legitimate cannot be escaped, otherwise the office is constantly exploited at the hands of the public, but it is distinctly necessary that this fee should be so carefully regulated by law that it shall be contributory toward the regular fee for securing employment and not in addition

[1] Employees also register for work in several places at once.
[2] G. L., New Jersey, 1907, ch. 559.

to it. The provision contained in the New York and New Jersey laws, it would seem, amply protects the office and at the same time brings to the mind of the would-be employer and employee the fact that if service is asked it must be paid for.

Into the question of amount of regular fees we do not propose to enter except to say that in general a per cent basis seems a more just method of determining the amount. This is the plan adopted in five states, a general provision being 10 per cent of the first month's wages if the position is a permanent one.[1] The essential point here is that whatever the amount of the fee, it should be so clearly stated as to be easily understood by the employee. Reprints in a language known by the employee of the sections relative to fees, refunds, etc., should be required in all cases where the office handles foreign employees.[2] That the amount of the fee must vary in different states, and even in different localities in the same state, is inevitable. There should, however, be some general provisions in the statute law on this point broad enough in their scope to admit of local adjustment, and yet making the fee sufficiently large to allow a legitimate profit to the licensee, thus rendering the business profitable and minimizing the temptation for fraudulent dealing which at present exists.

The really important phase of this question is that of unlawful fees. From Chart II it will appear that prohibitions of unlawful fees may be classified:

(1.) Prohibition of any recompense other than registration or regular fee, which would prevent the offer of any money in addition to the registration fee.

(2.) Prohibition of the receipt of any valuable thing or gift, which would make impossible the evasion of the former provision.

(3.) Prohibition of collusion or the division between the office and the employer or his agent of any or all fees received from help procured through the medium of the agency.

[1] Attention is here called to the fact that teachers' agencies which do not in many states fall under any regulations require 5 per cent of the year's salary. When the small salaries received by the majority of teachers is taken into consideration, it becomes apparent how great a burden this must prove. In Pennsylvania the fee of ten per cent applies only in case of temporary employment; in New York and New Jersey it is applied only to the kind of employment included under a second class license.

[2] This should be made a requirement by law to prevent abuse on the part of the offices.

If one may judge from indirect testimony[1] and practical experience in one office[2] the temptation to accept money in addition to the regular fee is very great, and evidently a common practice among office-keepers. Seven states and the District of Columbia prohibit one or both of the first two classes of illegal fees as given above.

Five of these states, Illinois, New Jersey, New York, Pennsylvania and Utah, and in addition, Colorado, Iowa and the District of Columbia, prohibit the third class, — collusion, or the division of fees between the employment office and the agent or subcontractor. Collusion is probably the most frequent form of illegal feeing. It is not only bribery, but it has a most disastrous effect on the stability of labor and should be prevented at all hazards.

Four methods exist whereby it is attempted to make impossible the receipt of illegal fees by the dishonest licensee:

First. That of obliging the office to give receipts. The receipt to both employer and employee for both the registration and the regular fee is prescribed by law in two states and the District of Columbia. The receipt for the registration fee alone is prescribed in two states for both employer and employee, and in three states for the employee. The receipt for the regular fee alone is prescribed in three states for both employer and employee, and in two states for the employee, thus making a total of twelve states in all and the District of Columbia which require that a receipt for fees shall be given in some form. In Illinois, Indiana, Missouri, New Jersey, New York, Ohio, Oklahoma, Pennsylvania and the District of Columbia the provision is made all the more specific by the statement that the receipt shall contain such information as name of employer and employee, amount of fee, period for which fee is good, date and nature of work; this, too, when seven of the states[3] have also the requirement of the card to the employee, and four of

[1] Investigation made by Harriet Dodge, Simmons College fellow, Research Department, Women's Educational and Industrial Union, Boston, Massachusetts, October, 1909, to February, 1910.

[2] Employment office, Class II, conducted by the Women's Educational and Industrial Union, 1885 to 1910. Money has frequently been offered the clerks in this office. The attempt to persuade the girls that it is neither honorable for them to offer the money nor right for the office to accept it usually elicits the following reply: "It always costs me ——— to get a place from ——— office." If this were an isolated instance, little weight could be given to it, but its frequency justifies the conclusion that the practice of taking extra fees or gifts is pretty general.

[3] Colorado, Connecticut, Illinois, Iowa, New Jersey, New York, Pennsylvania and the District of Columbia.

them[1] and the District of Columbia have the triple requirement of receipt for fees, card to employee and employment contract. The care with which the best laws seek to protect the interests of the employee and of the employer, as well as in every possible way to hold the office to a just performance of its business, shows, we feel, that this legislation has been prompted by necessity. What now remains is that other states bring their laws into line with the most progressive legislation on this subject.

Second. The provisions relating to refunds are a second most efficient method of checking any abuses which may exist on the part of the offices. As will appear from the discussion this is a most complicated subject, not only because of the variety of causes for which the refund may be exacted, but also because of the difference in the rate of the refund. Refunds when the position is not furnished are required by law for the following causes: Misrepresentation, when no position is furnished within a given time specified in the law;[2] on demand within a given time during which no position has been furnished;[3] if discharged within a specified time without fault on part of the employee;[4] when no employment exists at the place as represented by the agency;[5] and finally, when the agent has tried to furnish work but has not succeeded.[6] Sixteen states and the District of Columbia require the refund for one or more reasons, but the amounts vary. In some cases a refund must be made of all fees and expenses,[7] in some, a refund is made of the full amount of the registration fee, if the demand is made in thirty days;[8] other states require the refund of all fees except the registration fee, or "filing fee," in

[1] Illinois, New Jersey, New York and Pennsylvania.

[2] California, Colorado, five days; Maine, six days; Indiana, 10 days; District of Columbia, 15 days; Connecticut, Missouri, Ohio, Oklahoma, one month.

[3] Illinois, New York and New Jersey in three days; Iowa, reasonable time; Pennsylvania and Utah, time not specified.

[4] Maine, within six days; Illinois and New Jersey, within one week; Massachusetts, within ten days.

[5] Illinois and New York, District of Columbia.

[6] Required in Pennsylvania that all fees, except fifty cents, be refunded.

[7] California requires all fees and expenses refunded for misrepresentation, New York and New Jersey all fees and transportation expenses on demand in three days. Illinois and New York require all fees within three or five days of demand, and District of Columbia full fee and transportation expenses when no employment exists.

[8] Colorado and Illinois make this requirement when there is no work within the specified period of time, Illinois stipulating that sixty days' time be allowed for the refund and that expenses paid for the applicant by the agency be deducted.

others the refund consists only in the full amount of the fee, or valuable thing, on demand, no mention being made of expenses.[1] Still other states require a refund of three fifths of all fees or a new position[2], while Massachusetts requires a refund of five sixths of the fee. In Minnesota, the amount of the refund is not specified but the provision is made that the party receiving no work at the end of one month may sue on bond for recovery of damages; Pennsylvania requires that if the agent has tried to furnish a position but has not succeeded all fees, except fifty cents, shall be refunded.

The refunds when the position is not accepted are much simpler. Only four states have this provision.[3] The reasons why the refund should be made in this case classify themselves into (a) failure on the part of the employee to remain one week, (b) allowing the refund on demand, in three to five days, in case a position has not been accepted. The refund in the majority of cases is the full amount of the fees; in some instances exception is made by the office retaining the registration fee.

Though complicated, the refund is an important part of the state law since it is one of the best means of protecting the employee from the unscrupulous office. The refund should be made to include as wide a range of causes as possible and should be so watched by the executive officer of the law that it would serve as a real protection to the employee.

Third. The careful definition of fraud by statute law further serves to limit the possibility of ill treatment of the employees by the agencies. Chief among the evils attendant upon the employment situation is the chance of fraud. The best laws are the laws which put the broadest construction on fraud. The broadest definition of fraud is found in the New York law and that of the District of Columbia. These laws make fraud include: (a) Sending employees to places of ill repute; (b) Permitting questionable characters to frequent the agencies; (c) Any violation of the child labor law; (d) Any violation of the compulsory education law; (e) Fraudulent advertisements, circulars or false

[1] Connecticut, Maine, Missouri, New York, Ohio, Oklahoma, Utah.
[2] Illinois and New Jersey.
[3] New York, New Jersey, Maine, Illinois.

representation of any kind, by which is meant advertisements which misrepresent either the amount or the character of the work offered, or which under guise of legitimate work really offer improper employment; (f) Fraudulent replacement, by which is meant the attempt on the part of the office to induce the employee to give up the position on the expiration of the time allowed by law as the period within which the office is required to furnish a new employee. The office then places the employee, a second or even a third and fourth time, collecting in each instance the fees from both parties. That this is an unlawful practice on the part of the office is readily seen, also that it must have a very serious effect upon the stability of employment. The definition of fraud set forth in the laws of New York and the District of Columbia includes all the practices to which the offices resort. It is unfortunate that only two states deal thus comprehensively with the subject of fraud. Three other states include four or five of the six kinds of fraud, as follows: Pennsylvania omits fraudulent replacement, New Jersey omits violation of compulsory education law, Illinois omits violation of compulsory education law and fraudulent replacement. Nine states include from one to three kinds: California and Missouri, fraudulent advertisements; Massachusetts, sending to houses of ill repute; Colorado, Connecticut, Ohio, Oklahoma and Utah, sending to houses of ill repute and fraudulent advertisements; Indiana, sending to houses of ill repute, fraudulent advertisements and fraudulent replacement. In other words, ten states[1] by law prohibit two or more forms of fraud, while three states[2] prohibit only one form and twelve states[3] do not define fraud at all.

Fourth. A fourth method of standardizing the employment business and minimizing the chance for illegal dealing of any sort appears in the penalties prescribed by law in the various states for different causes. This we will treat under the discussion upon Chart III.

Chart III. Whatever the content of any law it is rendered

[1] Colorado, Connecticut, Illinois, Indiana, New Jersey, New York, Ohio, Oklahoma, Pennsylvania, Utah and District of Columbia.

[2] California, Massachusetts and Missouri.

[3] Idaho, Iowa, Louisiana, Maine, Minnesota, Montana, New Hampshire, Rhode Island, Tennessee, Virginia, Wisconsin and Wyoming.

valueless when not properly enforced. The real problem of all laws therefore is that of enforcement. A law which is permissive only, and not mandatory, falls far short of the accomplishment of the purpose for which it was drafted.

Turning now to the problem of the enforcement of the laws regulating employment agencies, we find three plans, as follows: (1) by the commissioner of the bureau of statistics or his deputy, (2) by local officers, (3) by a special commissioner of licenses. These follow in the main those already indicated in discussion of the power which grants the licenses.

1. By the first plan the enforcement rests with the commissioner of the bureau of statistics or his deputy. This plan is adopted in eight states[1] and the District of Columbia, which means that in these states the power which enforces the law is also the power which grants the license. Since the bureau of statistics is a state authority it must regulate conditions of enforcement throughout the entire state, which is most desirable in the interests of both uniformity and a policy of administration which tends to promote the skillful handling of the business in accordance with broad and constructive policies.

2. The second scheme puts the enforcement wholly into the hands of local officers, the mayor and aldermen, city or town council, or selectmen, according to the special form of local government. This plan is followed in five states,[2] among which is classed Massachusetts because throughout the state both the granting and the enforcing power is local, except in the case of Boston, Massachusetts.[3] The variation existing in Boston permits the licensing board, a body of three men appointed by the governor,[4] not only to grant licenses for employment agencies but to make what local regulations there are both for the enforce-

[1] California, Connecticut, Colorado, Indiana, Iowa, Missouri, Ohio, Oklahoma. Attention is called to the fact that this group of states omits Illinois (see note under granting of license) and substitutes Iowa. This is for the reason that we wish to emphasize the powers of enforcement rest in the hands of a special commissioner in Illinois. In Iowa (see Chart I) the law makes no special statement as to who shall grant the licenses, but does specify in whose hands rests the enforcement of the law.

[2] Maine, Massachusetts, New Hampshire, Rhode Island, Utah.

[3] Attention is called to the fact that though there are in Massachusetts cities having a population of 50,000 or more, Boston is the only city which has any local regulations or any special board of control.

[4] See L. 1906, ch. 291.

ment of the laws and for the management of the business. This might at first seem to be comparable to plan three to be discussed below. When we take into consideration, however, that the main part of the duty of this board is to grant liquor licenses,[1] an absorbing interest in any city, it becomes evident at once how small a share of the board's attention must be given to the additional duty of granting licenses to employment agencies.[2] Of the five states following the plan of local enforcement only Utah may be said to have a law which is in any way up to date. In the other four there are practically no statutory regulations which would standardize the business or cause it to be carried on in such a manner as to render efficient service to the employing public or the prospective worker.

3. A third plan is that in force in the four states having the most progressive laws, namely, Illinois, New Jersey, New York and Pennsylvania, also the District of Columbia.[3] In these states,[4] in the first and second class cities,[5] a special license commissioner, or inspector, is appointed whose sole duty is the enforcement of the laws regulating employment agencies. Thus in these four states in the large cities not only is the matter put under the control of an officer specially appointed for the purpose but the duties of that officer are specifically prescribed by law.

In discussing the methods of granting the licenses we have anticipated to a degree the points involved in the three plans above presented for the enforcement of the laws. The first scheme has the merit of placing the supervision of these agencies under the department where it would seem logically to belong, thus taking the first step toward treating this problem as one

[1] The board also has such other sundry duties as licensing picnic groves, bowling alleys, junk shops, etc.

[2] Another complication also exists in that the body which enforces the rules of the licensing board is by law the police commissioner and not the board itself, which means a divided authority, always a disastrous thing.

[3] In the District of Columbia the law is enforced by the commissioners of the District of Columbia who as an official body answer practically the same purpose though they are not without other duties.

[4] In Illinois the chief inspector of employment agencies is under the supervision of the state board of the commissioner of labor which nominates the inspector, subject to the approval of the governor. In New Jersey where there are no special inspectors appointed the matter is in charge of the police department.

[5] In New York, by the new law, the commissioner of licenses is appointed only in cities of the first class having a population over 800,000.

which affects the status of labor as a whole; this plan also places the responsibility on the state rather than on each small community in the state. It is, however, open to the objection of doing away with local control, and also that it does not in many states by law specifically provide officers to whom shall be delegated the actual work of putting the law into operation. In favor of the second plan it may be said that it does represent the exercise of local authority, but it is weak in that it leaves the burden both of enforcement and of the drawing up of local regulations with local officers whose hands are entirely filled with other duties. These duties are so numerous and so exacting as to make it impossible for them to deal intelligently with a problem which must of necessity seem trivial in comparison with official duties, but which is really of great importance to the public welfare since it involves to a great extent the distribution of labor and the welfare both of employer and employee. The result of attempted local enforcement as at present practiced is entire indifference to the needs of any other localities than the one concerned, also failure adequately to appreciate or deal with the problem, even in the local community.

The third plan specifically delegates to a specially appointed authority the task of supervision and regulation of the offices under directions embodied in the state law. This it will be seen insures uniformity of practice on the part of the agencies and uniformity in dealing with any violations under the law. In Illinois there is an even more perfect plan because there we find the combination of special local authority with the state authority, thus giving a degree of local authority, regulated by a controlling central power. This third plan as carried out in Illinois commends itself as being the most desirable of all because it fixes responsibility and thus insures the performance of duties, while it at the same time provides uniformity of regulation and enforcement throughout the state.

We have said that the duties of the special inspectors were specifically prescribed. In New York, the commissioner of licenses is appointed by the mayor, but he may, in turn, appoint a deputy commissioner of licenses and inspectors. In Illinois the chief inspector is appointed by the governor or the state on nomination of the bureau of statistics. The salary in Illinois is

$3,600 and the inspector is required to give a bond to the amount of $5,000, thus making him financially responsible for the just performance of his duties. In Illinois, also, the law prescribes further, (1) the number of assistant inspectors, one for every fifty offices or major fraction thereof, (2) that these inspectors shall receive a salary of $1,500 and that they shall wear a badge. New Jersey, New York and Pennsylvania all have the requirement that the inspector make bimonthly visits to each office, Pennsylvania requiring that he give a written report of these visits to the director of public safety. The special commissioners of licenses are charged with the appointment of assistant inspectors and minor officers when there are any; they issue and revoke licenses;[1] institute criminal proceedings for the enforcement of penalties; execute and serve all warrants; in Illinois they arrest on view, without warrant, any person detected actually violating provisions of the act; and receive all complaints.

The method of procedure on complaint as prescribed in the most recent legislation is both interesting and wise. On this point there is perhaps the widest discrepancy between the old and the new legislation. Whereas the old laws say either "make your complaint to any police officer who will direct you to the proper authority"[2] or else make no reference as to how or where a complaint shall be preferred, the more recent[3] laws carefully outline in detail the manner of procedure on complaint. Complaints are made to the commissioner of licenses, or the chief officer, or in Illinois to the state bureau of labor, and due notice thereof is given in writing[4] to the defendant by the commissioner of licenses not less than one day before the hearing[5] which must take place before said license commissioner or chief officer within one week from the time the complaint is filed.[6] A decision must

[1] For the most specific regulations as to procedure with reference to what the application for the license shall contain, what the procedure upon the receipt of the application shall be, what the form and contract of the license shall be, and what the conditions are under which the license may be assigned or transferred, see N. Y. Law, 1910, ch. 700, secs. 172, 173, 174, 175, 176.

[2] Rules of licensing board, Massachusetts.

[3] Only laws of Illinois, New Jersey, New York and Pennsylvania contain these provisions.

[4] In Illinois and New York.

[5] Notice of the complaint to be posted in the offices of the chief inspector.

[6] It is noteworthy that two other states, Colorado and Indiana, which do not contain such careful detail in their laws do contain equivalent sections. The following is a quotation from the Indiana law, section 1: The chief of the bureau of labor "may upon full hearing revoke such

be rendered on the hearing and made known to the defendant within eight days from the date when the matter is taken under consideration.[1] Without this latter provision it will be seen the whole machinery of hearing complaints could easily be thrown out.

These provisions, it will be noted, serve two purposes, first they appoint an official and direct channel for complaints, thus insuring an impartial hearing, and second, they, by this means, afford protection to the licensee, who, under the laws which give power to the licensing body to revoke the license at pleasure, may at any time be deprived of their licenses without due cause.

Violations of the law which do not carry with them just and reasonable penalties afford a loophole whereby the force of the law is entirely destroyed. It is interesting to note, therefore, that the best laws are the most minute in their prescription both as to what shall constitute an offence and as to the penalties to be imposed for each offence.

The most important group of penalties is that for fraud in its various forms. More than half of the states which have any laws relating to employment agencies have recognized the dangers by defining fraud most carefully and determining how it shall be penalized. Penalties imposed for fraud may be regarded from two points of view: first, from the point of view of the various kinds of fraud specifically penalized by the individual states, and second, from the point of view of the amount of the fine or the length of the term of imprisonment. This division is made because in some instances fraud is broadly defined by the statute but specific penalties are not prescribed for the various kinds of fraud, while on the other hand in states where the penalty is entirely general or perhaps only one class of fraud is mentioned, a penalty of high fine or long term of imprisonment is imposed. In the twelve states which do not in any way define "fraud," four, Idaho, Louisiana, Minnesota and Wisconsin, provide the general

license whenever, in his judgment, the party licensed has violated any of the provisions of this act . . . subject to an appeal by the person, . . . whose license is so revoked, within ten days from the date of such revocation to the circuit or superior court of the county in which the business of said person, firm or corporation is located."

[1] This requirement is made in all the states except Pennsylvania.

penalty that for any fraud sustained one may sue[1] for recovery of damages from court of competent jurisdiction; three states which define one or more kinds of fraud, impose no specific penalty for any sort of fraud. On the other hand, ten states and the District of Columbia both define what shall constitute fraud and impose a proportionate fine or term of imprisonment.

Really to eliminate fraud from the employment business and make the sections relative to fraud effective, the state must not only make the definition of fraud in its law inclusive, but must impose adequate penalties for the various phases of fraud. New York, New Jersey and Illinois each impose a fine for four different phases of fraud, thus re-enforcing the broad violation. Indiana imposes a penalty for three different kinds of fraud. The District of Columbia and Connecticut and Utah penalize two forms of fraud, while Massachusetts and Oklahoma penalize only one form.[2] Thus we see little uniformity exists in the various states as to the method which shall be used in the treatment of fraud. The significance is that as yet no serious effort has been made, except in the four states which may be said to have progressive laws,[3] to recognize the importance of the problem and to deal with it accordingly.

The amount of the penalty imposed for an offence helps to a degree in measuring the danger to the community which the crime involves. By the extent, therefore, of the penalty apportioned to fraud by the various states, are we enabled to measure the seriousness with which this offence against the law is held. In discussing the amount of the penalties, we have made groups according to the size of the money penalty or the length of the term of imprisonment as follows: 1. Those states imposing a fine above $250. 2. Those states where the fine ranges between $50 and $250 or where the term of imprisonment is not more than one year. 3. Those states where $100 is the maximum fine and the term of imprisonment ranges from ninety days to one year. The highest penalty for any form of fraud is that imposed

[1] All these states require a bond from the licensee, thus making him personally financially responsible for moneys fraudulently taken from employees. For the beneficial results of such a provision, see report of license commissioner in New York, 1906, ff.

[2] See Chart II.

[3] These states are New York, New Jersey, Illinois, Pennsylvania.

by Oklahoma for sending to houses of ill repute, namely, a fine of not less than $1,000 or more than $5,000 and imprisonment not less than two years or more than ten years. The next group of penalties is that used in New York, New Jersey, Illinois and Massachusetts[1] a fine not less than $50 nor more than $250,[2] or imprisonment for not more than one year or both.[3] A third group according to the amount of the penalty may be made of the states which impose $100[4] as a maximum fine and a term of imprisonment of not less than ninety days[5] or more than one year or both[6] and revocation of license. Indiana requires the forfeiture of the license for sending to houses of ill repute, fraudulent advertisements, etc., and fraudulent replacement; and California requires the restitution of all fees for fraudulent advertisements, false representation, etc. In addition to the specific money penalty or imprisonment for special varieties of fraud, four states[7] provide the general clause that one may sue and recover damages for any fraud practiced and Illinois and Pennsylvania laws contain the provision that for any immoral or illegal conduct revocation of the license is imposed.[8] From this summary of the penalties imposed by the various states, it will appear that a pretty determined effort has been made on the part of few states to meet this very grave defect in the employment business. What is needed is that all states should follow the comprehensive definitions given in a few states[9] and that the laws in each and every state should be so carefully enforced that fraud would be impossible. States which do not attempt to deal carefully with fraud or any special abuses do contain general provisions which while perhaps intended to fulfill the same functions are yet liable to fail for the reason that the burden of application to specific offences rests entirely with the officer whose duty it is to enforce the law.

[1] In Massachusetts the maximum fine is $200 and the minimum term of imprisonment three months, while the maximum term of imprisonment is two years, but this is only for fraud I.

[2] Illinois requires not more than $200.

[3] Illinois adds revocation of license also.

[4] Connecticut.

[5] Utah. In this state imprisonment is added to the $100 fine for sending to houses of ill repute: revocation of license for fraudulent advertisement, etc., the imprisonment is omitted.

[6] District of Columbia.

[7] Idaho, Louisiana, Minnesota, Wisconsin.

[8] Illinois law adds after due notice to licensee and opportunity given for defence.

[9] New York, New Jersey, Illinois, Pennsylvania.

The most general provision as to penalties is the clause "for any violation of this act" — an inclusive clause, but one the direct application of which might involve some difficulty unless the prosecuting officer be both determined and efficient. This group of penalties shows wide variation. We find seventeen states include this provision, showing that a need is felt that the law must in some way strive to avert violations. The principal penalties imposed for any violation of the law group themselves under the following headings: (1) Where revocation of license is the penalty. The following states make this stipulation: California, Colorado, Connecticut, Indiana, Maine and Missouri (with the provision that it be after a full hearing), Ohio, Oklahoma, Pennsylvania and District of Columbia.[1] (2) Where fine or imprisonment is imposed. Though this is adopted in sixteen states in some form or other, the variation exhibited is considerable.

The amount of the fine for violations of any provisions of the act varies from not more than $500 in California to not less than $10 in Maine, the term of imprisonment from not more than a year in Pennsylvania, to not more than thirty days in Illinois, Iowa, Louisiana.[2] According to the amount of the fine, three groups may further be outlined as follows:

1. Those states where the largest fine is imposed, the amount ranging from $500 to $100. Three states, California, Idaho, and Colorado, impose the heaviest fine, the maximum ranging from $500 to $200 and the minimum being $100 in Colorado and Idaho, as well as the alternative of six months' imprisonment or both fine and imprisonment in Colorado and in Idaho, where the term is thirty to ninety days.

2. Those states where the fine is still moderately large, ranging from $100 to $10. In this group we find nine states. Connecticut has violation of the act; Iowa and Pennsylvania have the same provision but Iowa adds the alternative of imprisonment for not more than thirty days; Pennsylvania imprisonment for not more than one year or both. In Indiana,[3] Missouri, Ohio and Oklahoma the fine is not more than $100 or less than $50 or imprison-

[1] In many of these states there are several provisions included. Our aim in this discussion is to classify as to kind of penalty imposed and the number of states uniting on this particular line, rather than to show the different forms specified by the laws of each state.

[2] In New York not less than 30 days.

[3] In Indiana both fine and imprisonment are not permissible.

ment for six months or both. In Maine the maximum fine is $100 and the minimum, $10.[1]

3. Finally, those states where fine is merely nominal, being not more than $25. Illinois[2] and Louisiana impose a fine of not more than $25 or imprisonment[3] for not more than thirty days, and New Jersey imposes a fine of not more than $25 for any violation of the act, except for fraud and nonlicensing.

In addition to the above states which prescribe fine and imprisonment under the broad clause for any violation of the act, we find under the same general provision, "for any violation of the act," the following states where violations are specified: California requires the forfeit of the license if it is transferred, Massachusetts requires the revocation of the license and a fine of not less than $25 nor more than $50 for:

(1) Acceptance of fee when no employment is given.
(2) Failure to refund.
(3) Failure to reprint certain specified sections.[4]

Pennsylvania provides a fine of $25 for each misstatement in application for license, and Utah provides a fine of not more than $100 and revocation of license on conviction for collusion, misrepresentation, false entries and failure to keep registers.

There remain three other causes for which penalties are imposed, — nonlicensing, unlawful fees, and "any good cause." Twelve states provide a penalty for nonlicensing; California and Colorado impose each the same penalty for nonlicensing as for violation of any provision of the act, namely, California, fine not more than $500 or imprisonment six months or both; Colorado specifies revocation of license or fine not less than $100 nor more than $200 or imprisonment for not more than six months or both. New Jersey has a fine not less than $50 nor more than $250 or imprisonment not more than one year or both. Illinois provides that not less than $50 or more than $250 or imprisonment six months or both be the penalty imposed for nonlicensing. These it will be noted are all large fines, thus making

[1] Utah is the ninth state; fine not more than $100.
[2] Except for nonlicensing.
[3] The alternative of imprisonment in New York is for nonpayment of fine.
[4] Secs. 25-28, R. L., ch. 102.

it a grave offence to conduct an employment agency without a license. In New York the fine is not less than $25 and not more than $250 or not more than one year imprisonment or both. Massachusetts and New Hamphsire each impose a fine of $10 for every day the office is kept without a license, while Minnesota makes of nonlicensing merely a misdemeanor.

Only two states, Colorado and Utah, impose direct fines for unlawful fees. In both states it is stipulated that for collusion the fine shall be a sum not less than $100 and forfeiture of license. Obviously this is one of the places referred to as requiring skill and determination on the part of the executive officer. It will be seen that the penalties for illegal feeing are for the most part masked under the more general provisions of "violations of any provisions of the act" or for any good cause — provisions which by their very breadth of interpretation make escape from specific penalties easy. Since collusion is one of the gravest abuses existing in the employment business, it would seem that there should be an attempt on the part of a greater number of states to overcome this abuse and offer protection to the employee by specifically defining by law what illegal fees are and so penalizing them that the fine or imprisonment shall act as a deterrent both to the office-keeper and to the employer. Another instance of the broad provisions which put the burden of enforcement on the shoulders of the executive officer is that found in the states of Illinois, Massachusetts, New York, Pennsylvania and Rhode Island which states that "for any good cause" the license may be revoked. What shall be a good cause is left entirely to the discretion of the executive officer. By way of illustration as to what may constitute a good cause, Utah contains a provision which might well be interpreted for any good cause and it has so been classified in the charts.[1] The law of Utah says that failure to provide work as stipulated by the employment contract makes the agency liable to a fine of $100 and the revocation of the license. Merely to provide revocation of the license for any good cause, without further stipulation as to mode of procedure or definition, would hardly bring about the desired end.

Conclusion. In the course of this discussion of the laws regu-

[1] Chart III.

lating employment agencies in the United States several facts must have been brought home to the reader. In the first place only twenty-five of the states have any laws at all on this subject, which means that only about half of the states make any attempt to attack the problem. Again in one third of the states, although they have attempted legislation, the laws are totally inadequate, which reduces the number of states having dealt in any way wisely with the subject to seventeen or nearly one third of all the states of the United States. The matter may be pushed still farther and the statement made that only in the four instances above referred to[1] is there apparently any really serious attempt satisfactorily to deal with the problem of the regulation of private employment agencies.[2] It is evident that the problem is wider than the city or the town, and, therefore, for the purpose of protection, as well to the public as to the employee, the business should be properly safeguarded by an adequate state law. The foregoing discussion has aimed to point out what the features of such a law may be.

For the moral, as well as the economic welfare of the community, it is first of all necessary that the business be in the hands of reputable and capable persons. This can be brought about only by adequate restrictions as to the granting of the license, the proper guarantee of the character both moral and financial of the licensee, as well as the location of the office.[3] Experience in the states which have worked out the most careful plan dictates that the authority vested with the granting of licenses shall be an officer specially appointed for the purpose, whether state or municipal, with no other duties, and able therefore to devote his whole attention and power to the many problems which this business presents. This should make possible the points just referred to, viz.: the proper certification of the licensee and the exercise of due care in the location of offices.

In both these respects the New York law as recently amended[4] is most interesting, since it illustrates the tendency of legislation

[1] Laws of New Jersey, New York, Illinois and Pennsylvania.

[2] New York law, 1910, c. 700, sec. 173.

[3] This involves the prohibition of lodging houses for the unemployed in connection with the office, the use of an ordinary living room for an office during business hours, and other like questions.

[4] June 25, 1910.

on this subject in communities which have come to appreciate the real seriousness of the problem and its bearing, not only on the question of domestic service, and hence the comfort and the security of the home, but upon the broader question of the employment of labor.[1] This recent New York law contains most careful statements showing what the procedure on application[2] for a license shall be, and how the affidavit as to the character of the licensee shall be tested. It provides also that due examination of the premises designated in the application shall be made by the proper authority — tending to standardize the business. Not only is the granting of the license safeguarded in these laws, but the revocation of the license also. In many states the license may be revoked without the statement of any just cause. Recent legislation makes impossible revocation of the licenses without a just cause shown, due provision being made by statute that the licensee may have a hearing and that authoritative records of the same shall be kept.

In addition to determining who may enter the business, the law should further safeguard the public and the employee by stipulating that the offices keep registers which shall contain (1) records of all moneys paid in; (2) records of all applicants who have applied for positions or help, and who have been placed; (3) account of the business record of all employees.

Additional regulations which will promote fair business dealing are:

1. The card to the employee which shall contain in a language which he can understand the essential terms of the agreement, such as wages, definite hours of labor.

2. The employment contract which for the laborers sent out in groups serves the same purpose that the card does to the individual worker.

3. Definite regulation by statute law of the amount of the fees,

[1] While it is true that at present these agencies do not meet the situation and hence are not on a large scale distributing agents for labor, it is also true that for the rougher kinds of contract labor, they are potent factors for good or for ill according to the kind of management. Testimony in support of this statement was given at the legislative hearing on House Bill No. 781 by Mr. Philip Davis, who at one time acted as superintendent for a free employment bureau in connection with the Baron de Hirsch Institution for Immigrants. Two years ago he spoke as to the connection between these agencies and scarcity of farm labor, also as aids in breaking strikes.

[2] See New York law, 1910, c. 700, sec. 172-176.

both regular and registration, and of all refunds, with definite prohibition of all collusion and illegal fees.

But no matter what the content of the law, if the means of enforcement be weak, the law is rendered a dead letter. Adequate inspection by a responsible person is the only way by which violations of the law can be traced. Obviously, in large cities this means that the granting power shall have the assistance of one or more duly qualified inspectors whose duties shall be specifically stated in the statute laws and who, to render them immune from temptations which may arise, shall be obliged to give a bond which shall be liable to suits brought for violation of duties. Also an adequate means of preferring complaints[1] should exist and be so designated that it will be readily apparent to those using the offices. Violations of the law must be met by a carefully worked out system of penalties which shall act as a deterrent against repetition of the offence. This is really the greatest source of strength in the law, for, as has been pointed out in the discussion, almost unlimited chance for fraud, both to the employing public, and to the employee, exists in this business unless it is forced by law to conform to a proper standard.

Since this study accompanies others which have special reference to labor conditions in Massachusetts it is worth while to say a word as to how the Massachusetts law regulating employment agencies stands the test we have brought forward for a model law. First of all the Massachusetts law is a compilation extending as far back as 1848, having been amended in 1872, 1876, 1880, 1885, 1894,[2] but at no time in such a way as to nullify all preceding legislation. This results in a state of confusion so great that the licensing board of Boston was forced to admit before a legislative committee[3] that they were themselves often in doubt as to what the law was on a given point. Furthermore, a glance at the chart will show that the only subjects contained in the statute law of Massachusetts are: (1) what the fee for the license shall be; (2) the fact that the license protects the licensee only in the place mentioned in the license unless, in Boston, consent to

[1] See New York law, 1910, sec. 191, p. 3.
[2] Rules of licensing board passed 1906 affect Boston only.
[3] Hearing on Bill No. 781, 1910.

removal is obtained; (3) a refund of five sixths of this fee shall be made if the employee is discharged within ten days; (4) penalties to be imposed for, first, non licensing, $10 per day, second, violations as to refunding or posting of the law, not less than $25 nor more than $50, and third, sending of employees to places of ill repute, not less than $50 nor more than $200. It is evident then that Massachusetts is entirely lacking in anything which approaches the trend of the recent legislation on this subject. Her statute law contains none of the regulations as to proper means of enforcement, requirement of proper business methods, provision for complaints[1] or definition of fraud, which we have seen to be essentials of any good law on the subject of inspection.[2]

By actual observation as to the working of the law[3] in the large cities of the state we have found entire contradiction in practice in the different cities, many irregularities and in some instances, complaints as to the inadequacy of the law and the entire absence of any local regulations to supplement the state law. The situation in Massachusetts is also considerably complicated by the existence of the rules of the licensing board in Boston. As has been pointed out, Massachusetts has an entirely inadequate state law. The rules of the licensing board are local regulations, yet in the localities near Boston they have been put into practice in some places in the absence of state regulation, particularly as to the scale of fees, refunds and receipts. It is not our purpose to criticise the scale of fees, but merely to raise the question whether it is not a matter better treated by the state law in the interest of uniformity throughout the state. Again these rules as they affect Boston present the anomalous condition of a divided authority — the licensing board which grants the license[4] and the police board which is by law the enforcing power. Practice has demonstrated the absurdity of this, we are told; but the legislation still stands unaltered. It will be observed that no effort is made to deal with

[1] See rules of licensing board of Massachusetts. "Make your complaint to any police officer," — which by testimony from the office keepers is admittedly inadequate.

[2] Eighty-seven out of 105 offices in Boston advocate inspection. Study made by Harriet Dodge, Simmons College Fellow, Departmentof of Research, Women's Educational and Industrial Union, Oct. 1909–Jan. 1910.

[3] *Ibid.* Study by Harriet Dodge.

[4] It is again to be noted that the chief duty of the licensing board is to grant liquor licenses, coupled with which is the granting of licenses to junk dealers, picnic groves, etc.

fraud as such in either the state or the local law; that the whole subject of penalties in the local law is masked under the general provision, "violation of any rule or for sufficient cause." This places far too much responsibility on the board and also makes possible summary and unjust action. No mechanism for hearing or preferring complaints exists. The system of "making the complaint to any police officer" is admitted by the offices themselves as unsatisfactory.[1] As a whole, neither statute law nor local regulation in Massachusetts brings the system on a level with advanced states.

Conclusions are not far to seek. (1) As a whole the United States may be said not to have seriously considered any responsibility of the community to provide a system for securing employment which shall serve both employee and employer and which shall thus fulfill a need of the community by acting as a medium of the regulation of supply and demand of labor. (2) The United States possesses at the present time no adequate system, either state or national, for the regulation of private employment agencies, either from the point of view of the content of the laws, affording regulations of the business and restrictions as to how the business shall be carried on, or as to proper methods of enforcement. (3) It is then the duty of the states individually and collectively to recognize in this a problem not of local but of national significance and to deal with it accordingly by constructive legislation. The question should be studied broadly both as to cause of present conditions and means of regulating them so as to meet the real needs both of the employing public and those who are seeking opportunity for work.

[1] Study made by Miss Harriet Dodge.

CHARTS

SHOWING IN TABULAR FORM COMPARATIVE LEGISLATION ON THE SYSTEMS OF LICENSING AND REGULATING PRIVATE EMPLOYMENT AGENCIES IN ALL OF THE STATES OF THE UNITED STATES

These charts may be kept up to date and thus continue useful, by noting the changes given in the "Review of Labor Legislation" published annually by the American Association for Labor Legislation. Recognition for assistance is due Miss Harriet Dodge, fellow in the Department of Research of the Women's Educational and Industrial Union, and Miss Mary Rock, member of the Economics Seminar in Simmons College, for the year 1909–1910.

CHART I. *Regulation of Offices.*[1]

[NOTE. — F means that states so marked have a free employment agency. The states of Kansas, Maryland, Michigan, Nebraska, and West Virginia also have free employment offices. They do not appear on this chart because they have no laws regulating private employment offices.]

STATE.	LICENSE.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
California. P. C., App. 1909, p. 787. G. S. 1909, c. 120, p. 191.	Commissioner Bureau of Statistics.	$50 (cities 1st and 2d class. $25 (cities 3d and 4th class). $6 (in all other cities).		Protection: for place mentioned only, unless by written consent of licensing power. Tax collector or license collector of each city or county shall make quarterly reports.	
Colorado. L. 1909, c. 164, p. 386. Annotated Stat. Rev. Supplement, c. 46, §§ 1737, 1738, p. 461. F	Deputy Commissioner of Labor Statistics.	$50 (cities, population 25,000 or more). $25 (cities, population 5,000 to 25,000). $10 (cities less than 5,000).	$1,000, two or more sureties.		Name of employer. Name of employee. Fee. Date. Nature of work. (See receipt).
Connecticut. G. S. 1902, §§ 4609–4614, p. 1101, amended by P. A. 1905, c. 271, p. 475. F	Commissioner Bureau of Labor Statistics.	$10 first year. $5 each succeeding year.	$500, with surety.		Name and address of employer. Name of employee. Nature of work. Fee. Date. (See receipt).
Idaho. R. C. 1908, c. 26, §§ 1442–1445, p. 653.	County Commissioners.		$5,000, in favor of chairman county commissioners.		

[1] For details as to the administration of the laws see supplementary material following these charts.

CHART I. *Regulation of Offices.*[1]

[NOTE. — F means that states so marked have a free employment agency. The states of Kansas, Maryland, Michigan, Nebraska, and West Virginia also have free employment offices. They do not appear on this chart because they have no laws regulating private employment offices.]

REGISTERS.			EMPLOYMENT CONTRACT.		REFERENCES.
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	
Employer.	Employee.				
Name. Fee.	Name. Fee. Record of those not placed: reasons.	Open to inspection.			
Name and address. Kind of help.	Name and address.	False entries prohibited. Open to inspection.			
Name and address. Kind of help. Nature of work.	Name and address.	False entries prohibited. Open to inspection.			

[1] In October, 1910, copies of the laws as here charted were sent to each state for verification.

CHART I. *Regulation of Offices* — Continued.

STATE.	LICENSE.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
Illinois. L. 1909, Sen. 364, p. 213. F	State Board of Commissioners of Labor.	$50 (cities, population 50,000 and more). $25 (cities less than 50,000).	Licensee, $500, one surety. Inspector, $5,000.	Protection: for place mentioned only, unless with consent of licensing power. Application: made at least one week before granted, action on within 30 days. Posted in office of licensing power. Published 3 days in daily newspapers. Affidavits: as to moral character from two persons who have known licensee for two years. Solicitors or agents: badge with name and address of agency. Name of each filed with licensing power.	Name and and address of employer. Name of employee. Nature of work. Date. Name and address of agency.
Indiana. Acts 1909, c. 94, pp. 242-246. F	Chief of Bureau Statistics.	$25.	$1,000, with surety company, or with two solvent resident freeholders.		
Iowa. L. 1907, c. 128, §§ 1-5, p. 128. Sup. Code, 1907, Tit. XII, c. VIII, pp. 542-548. (Relative to Bureau Labor Statistics.)					Name and address of employer.[1]

[1] Not specified as card to employee. Must contain full copy of agreement, also fee paid.

CHART I. *Regulation of Offices* — Continued.

REGISTERS.			EMPLOYMENT CONTRACT.		
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	References.
Employer.	Employee.				
Name and address. Fee. Kind of help. Rate of wages. Date. Record of those sent and one employed.	Name and address. Fee. Name and address of employer. Date. Record of all applications, with date.	False entries prohibited. Open to inspection.	Name and address of employer. Destination. Terms of transportation.	Duration. Nature of work. Wages.	Complete record of references. Records open to inspection.
			NOTE. — *a*. Duplicate kept in office of agency. *b*. Written in language spoken or understood by laborers. *c*. Given when one or more persons sent as contract or railroad laborers.		
Name and address. Kind of help. Record of all applications from employers and employees, with results.	Name and address (age, nativity, sex, color, trade, occupation). Position secured. Record of names and addresses of people to whom applicants referred.	False entries prohibited. Open to inspection. Monthly reports under oath by each agency to licensing power.			
		Open to inspection.			

CHART I. *Regulation of Offices* — Continued.

STATE.[1]	License.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
Louisiana. R. L. 1904, R. S. § 2154, p. 998.	Mayor of city or town.		$5,000, with solvent surety.		
Maine. P. L. 1907, c. 84, p. 83, amended by P. L. 1909, c. 13, p. 12.	Municipal officers.	$20.	$500, with surety.		Name and address of employer. (See receipt.)
Massachusetts. R. L. 1902, Vol. I, §§ 23–28, p. 864; §§ 186–189, p. 895ff; Vol. II, c. 212, § 8, p. 1786; Acts 1906, c. 291, p. 253ff; Acts 1908, c. 217, p. 161. F	Mayor and aldermen of any city, except Boston. Boston, Licensing Board of three members, appointed by governor. Selectmen of any town.	Not less than $2.		Protection: only in place designated unless consent to removal by licensing power.	
Minnesota. R. L. 1909, *sup.*, c. 23, §§ 1825–1827, p. 503. (§ 1825 as amended applies only to employment of males.[2]) F	Council of city or village or county board.	$100.	$2,000.	Protection: while in place mentioned in license, may engage in such business in any part of state.	With data; see registers with regard to employee.
Missouri. L. 1909, House Bill 1020, p. 862. F	Commissioner of Labor Statistics.	$50 (cities, population 50,000). $25 (cities, population less than 50,000).	$500, one surety or more.		

[1] Kansas and Maryland have laws for free employment offices only.

[2] § 1825 includes only sections for bonding, granting of license, the fee, the bond, and affidavits.

CHART I. *Regulation of Offices* — Continued.

REGISTERS.			EMPLOYMENT CONTRACT.		
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	References.
Employer.	Employee.				
Name and address.	Name. Rate of wages. Nature of work. Duration of work.	Open to inspection by applicants at any time.			
Name and address. Kind of help.	Name and address. Nature of work.	False entries prohibited. Open to inspection.			

CHART I. *Regulation of Offices* — Continued.

STATE.	LICENSE.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
Montana. R. C. 1907, Vol. I, § 2758, p. 801. F		$40 a year, $10 per quarter.			
New Hampshire. L. 1901, c. 60, p. 549.	Mayor and aldermen of city. Selectmen of town.	Not less than $2.		Protection: only in place mentioned unless removal granted. Publication of: recorded by city clerk in special book.	
New Jersey. L. 1907, c. 230, p. 555.	Mayor or head officer.	Not exceeding $25.		Affidavits of good character given. Protection: person and place mentioned only, unless consent from licensing power. Application: not less than one week before granted. Action on within 30 days. Posting daily in office of clerk, also of transfers of licenses.	Name and address of employer. Name and address of agency. Name of employee.
New York. L. 1910, c. 700, §§ 170–192.	Mayor or commissioner of licenses.	$25.	$1,000, two or more sureties, or a duly authorized surety company (to be approved by mayor or the commissioner of licenses). See L. 1900, c. 700, par. 3, § 177.	Affidavits of at least two reputable residents of the city that applicant is of good moral character. Protection: person and place mentioned only unless consent from licensing power. Application, time before granting: within 30 days. Posted daily in office of licensing body.	Name and address of employer, agency and person authorizing hire of such person. Name of employee. Kind of service. Rate of wages. Time of such services if definite; if not, a statement to that effect. Cost of transportation outside city where agency is located.

CHART I. *Regulation of Offices* — Continued.

REGISTERS.			EMPLOYMENT CONTRACT.		REFERENCES.
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	
Employer.	Employee.				
Name and address. Fee. Rate of wages. Kind of help. Date. Persons sent, with one employed.	Name and address. Fee. Date. Name and address of former employers where possible.	False entries prohibited. Open to inspection.	Name of employee. Destination. Terms of transportation.	Nature of work. Hours of labor. Wages.	Register of names and addresses of former employers wherever possible, one of which shall in each case be verified unless applicant waives this in writing.
NOTE. — Exception as to register, theatrical agencies, nurses' registries, agencies procuring technical, clerical, sales or executive positions for men only. Accurate record kept of fees, etc.			NOTE. — Copy to be filed with mayor or commissioner of licenses within 5 days. Duplicate copy given employee in language which he can understand.		
Name and address. Fee. Kind of help. Rate of wages. Date. Names of candidates and one employed.	Name and address.[1] Fee. Date. If possible, names of former employers, or persons to whom employee is known.	False entries prohibited. Open to inspection.	Name and address of employer. Name and address of employee. Destination. Terms of transportation.	Nature of work. Hours of labor. Wages.	In connection with each application for work, communication must be had orally or in writing with at least one of references. Record to be kept on file. Investigation may be waived in writing by applicant, when failure shall not be deemed a violation.
	NOTE. — For exception, see References.		NOTE. — Must be filed with mayor or commissioner of licenses within 5 days after contract is made. Before he leaves the city a duplicate copy shall be given to the employee in a language which he is able to understand.		

[1] In same form as prescribed for candidates actually placed.

CHART I. *Regulation of Offices* — Continued.

STATE.	LICENSE.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
Ohio. R. S. 1908, Vol. II, Pt. II, Civil Tit. 5, c. 8, p. 2438. F	Commissioner of Labor Statistics.	Cities: not less than $50 nor more than $100. Villages: not less than $10 nor more than $25.	$500, one or more sureties.		
Oklahoma. G. L. 1909, c. 56, Art. IV, §§ 4018–4022, p. 955. F	Commissioner of Labor.	$5.	$250, two sureties.		
Pennsylvania. L. 1907, c. 90, pp. 106–112.	Cities, first and second class. Director of public safety.	$50.	$1,000, one or more sureties.	Affidavits: from two freeholders of the ward. Protection: persons and place mentioned only. Application for: not less than 1 week, granted within 30 days. Posted in office of licensing body.	Name and address of employer. Name and address of agency.
Rhode Island. G. L. 1909, Tit. VIII, c. 80, p. 223. F	Town council.	Fixed by town council.			
Tennessee. Acts, 1907, c. 541, § 4, pp. 1814, 1827.	County court clerk.[1]	$10.			
Utah. L. 1909, c. 21, p. 17.	City council, town or county commissioners, board of trustees.	Determined by grantors. ($5, for transfer of license. Permission given by grantors.)	$1,000, two or more sureties. If sureties become irresponsible, new bond in 10 days or revocation of license.		

[1] Occupation of keeping office declared by statute to be a privilege and tax paid to county court clerk.

CHART I. *Regulation of Offices* — Continued.

REGISTERS.			EMPLOYMENT CONTRACT.		
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	References.
Employer.	Employee.				
Name and address. Kind of help.	Name and address. Nature of work.	False entries prohibited. Open to inspection.			
Name and address. Kind of help.	Name and address. Age, sex, trade, nativity.	False entries prohibited. Open to inspection.			
Name and address. Fee. Kind of help. Rate of wages. Date. Names of persons sent and one employed.	Name and address. Fee. Date. Name and address of former employers.	False entries prohibited. Open to inspection.	Name of employer. Destination. Terms of transportation.	Nature of work. Hours of labor (except in households). Wages.	Names and addresses when possible of former employers.
			NOTE. — Duplicate filed in agency.		
Name. Kind of help. Rate of wages. Number of persons wanted.	Name. Fee. Record of refunds. Record of persons failing to secure employment, with reason.	False entries prohibited. Open to inspection.	Name of employer. Destination. Fee.	Duration. Nature of work. Wages.	
			NOTE. — 3 copies, 1 employer, 1 employee, 1 agent.		

CHART I. *Regulation of Offices* — Concluded.

STATE.	LICENSE.				Card to Employee.
	By Whom granted.	Fee.	Bond.	Restrictions of —	
Virginia. Code, 1904, Vol. II, App. tax bill, §§ 128, 129, App., p. 2247. 1910, c. 155.		$25.		Certificate from corporation court of city or circuit court of county as to good character.	
Wisconsin.[1] Stat. Sup., 1899–1906, §§ 1636–1639, p. 727. F	City: common council. Village: village council. County: county board.	$10.	$1,000, with sufficient sureties or a surety bond of $1,000.	Not transferable, but while continuing to maintain office in place mentioned in license may "prosecute said business in any part of state."	See employment contract.
Wyoming. R. S. 1887, §§ 1433, 1434, 1435, p. 395, and § 1446, p. 397.	Sheriff. Licenses prepared by county clerk and delivered to sheriff and kept on file in office of county clerk. Open to inspection of county clerk.	$15 per quarter year.			
District of Columbia. U. S. Stat. at Large, Vol. 34, c. 3438, p. 304, amended by Stat. at Large, Vol. 35, c. 166, p. 641.	Commissioners of District of Columbia.	$25.	$1,000, with two or more sureties.	Protection: in place mentioned only, not transferable. Application: after 1 week at least. Posted in office of assessor of district. Protest against license allowed, but public hearing required. Affidavits: commissioner to be satisfied that applicant is of good general character, and may require any statement.	Name of employer. Name and address of employment agency. Name and address of employee.

[1] This statute shall not apply to agencies conducted by women for purpose of securing help for females only.

CHART I. *Regulation of Offices* — Concluded.

REGISTERS.			EMPLOYMENT CONTRACT.		
ENTRIES REQUIRED WITH REGARD TO —		Reliability of Registers.	General Provisions.	Terms of Employment.	References.
Employer.	Employee.				
			Name of employer.	Duration. Nature of work. Wages.	
			NOTE. — Duplicate copies: 1 employer; 1 employee.		
Name and address. Fee. Kind of help. Date. Names of persons sent with designation of one employed.	Name and address. Fee. Date. Name and address of former employer.	False entries prohibited. Open to inspection.	Name of employer. Destination. Terms of transportation.	Name and address of employee. Wages. Nature of work.	Whenever possible, name and address of former employer; communicate orally or in writing with a former employer; record kept on file, unless employee waives right in writing.
NOTE. — See exemption as to register, New York and New Jersey laws. Add teachers' agencies.					

CHART II. *Restrictions on Offices.* [1]

[NOTE. — F means that states so marked have a free employment agency.]

STATE. [2]	FEES.			
	Registration.	Regular.	REFUND.	
			Position not furnished.	Position not accepted.
California.			Through misrepresentation: all fees plus sum covering expenses. Full record of.	
Colorado. F	Receiving or filing fee for employment or help not to exceed $1 for day laborers, mechanics, artisans, or domestics; or $2 for professional positions.	Not more than $2.	No work in 5 days: full amount of registration fee, if demanded within 30 days.	
Connecticut. F	Not more than 10 per cent of first month's wages.	Not more than 10 per cent of first month's wages.	No work within one month: full amount of fee, if demanded within 30 days.	
Illinois. F	Not more than $2.	Agreed upon between applicant and licensed person; payable at time agreed on in writing but after position tendered.	Position not secured: entire registration fee on demand after 30 days and within 60 days, less amount paid out by agency for applicant (itemized accounts). All fees, except registration, within 3 days of demand. If discharged within one week: new position or return three fifths of all fees. No employment existed: all fees within 5 days of demand plus transportation expenses.	All fees, other than registration fee, within 3 days of demand. Failure to remain one week: new employee sent or three fifths of fee returned to employer within 4 days of demand, notice being given within 3 days.

[1] For references, see each state under Chart I.

[2] Idaho omitted from this Chart because law contains no provisions as to restrictions on offices.

CHART II. *Restrictions on Offices.*[1]

FEES — *Con.*				LAW FORBIDS —	
UNLAWFUL.		RECEIPTS REQUIRED FOR —			
Any Fee other than Registration or Regular. Any Valuable Thing or Gift.	Collusion.	Registration Fee.	Regular Fee.	Location in or near —	Fraud, such as —
Any valuable thing or gift prior to time of furnishing information leading to actual placement.					Use of fraudulent advertisements, misleading circulars, false representations.
	Division of fees with subcontractors or employers forbidden.	Employer. Employee.	Employer. Employee.	Places where intoxicating liquors are sold or gambling of any character is carried on.	Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations.
		NOTE. — See card to employee.			
			Employee.	Any building where liquor is sold.	Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations.
Any fee other than registration or regular fee. No fee from employer in return for promise not to register certain employees or provide employment for them.	Fees not to be divided with or commissions paid to, any person to whom applicants are sent for employment or help.	Employer. Employee. Stating: Name of each. Date. Nature of position or help applied for.	Employer. Employee. Stating: Name of each. Date. Fees. Kind of help.	Places where liquors are sold.	Sending to places of ill repute. Questionable characters frequenting agency. Violation of child labor laws Use of fraudulent advertisements, misleading circulars, false representations.

[1] In all, six kinds of fraud appear in the laws: — I. sending to places of ill repute; II. questionable characters frequenting agency; III. violation of child labor law; IV. violation of compulsory education law; V. use of fraudulent advertisements, misleading circulars; VI. false representation, fraudulent replacement, or the attempt on the part of the agency to get the employee to give up the position after expiration of probation term, so that agency may place employee again and get new fee.

CHART II. *Restrictions on Offices* — Continued.

STATE.[1]	FEES.			
			REFUND.	
	Registration.	Regular.	Position not furnished.	Position not accepted.
Indiana. F	Not more than $2, receipt for on demand. Return 75 per cent in 10 days.	Not more than 10 per cent of first month's wages. Payable at end of first month's services.	No position in 10 days: 75 per cent of registration fee returned on demand.	
Iowa.	Not more than $1 as "filing fee."		Within reasonable time: all money, except sum not more than $1 as "filing fee."	
Maine.		Not more than $1, or valuable thing not to exceed value of $1.	In 6 days after application: full amount of fee, or valuable thing given as fee, on demand. If discharged without fault within 6 days (see position not accepted).	If position not retained 6 days, full amount within 10 days to both employer and employee, if each faultless.
Massachusetts. F			Discharge within 10 days without fault of employee: five sixths of fee on demand.	
Minnesota. F		Payable only when employee is given bona fide order (in writing or appearing in chronological place in order book which is open to applicant).	Employee may sue and recover upon bond all damages sustained by failure to receive position.	

[1] Louisiana, Montana and New Hampshire omitted from this chart

CHART II. *Restrictions on Offices* — Continued.

FEES — *Con.*				LAW FORBIDS —	
UNLAWFUL.		RECEIPTS REQUIRED FOR —			
Any Fee other than Registration or Regular. Any Valuable Thing or Gift.	Collusion.	Registration Fee.	Regular Fee.	Location in or near —	Fraud, such as —
		Employee. Stating: Name. Fee. Date. Nature of work.		Places where intoxicating liquors are sold.	Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations. Fraudulent replacement.
	Receipt of any fee or any per cent of wages or any compensation of any kind forbidden by any employee of any corporation who hires or discharges help.	Employer. Employee.			
			Employee. Stating: Name. Fee or valuable thing. Date. Nature of work.		
					Sending to places of ill repute.
No other fee except as provided under regular fee. Fee is fraudulent if receipt registered in book be not open to inspection of applicant and is contrary to provisions of statute.					

because laws contains no provisions as to restrictions on offices.

CHART II. *Restrictions on Offices* — Continued.

STATE.	FEES.			
			REFUND.	
	Registration.	Regular.	Position not furnished.	Position not accepted.
Missouri. F	Not more than $1.		Within one month: full amount of fee on demand.	
New Jersey.	Permitted by statute but amount not specified.	2d class: [1] not to exceed 10 per cent first month's wages. 1st class: not to exceed first week's wages, or 5 per cent of first year's salary. Temporary employment, *i. e.*, not more than one month: not more than 10 per cent of salary.	Within 3 days: on demand, all sums for transportation and all fees. If employee discharged within one week without fault: another position or three fifths of fee refunded.	If employee fails to remain one week: new employee, or three fifths of fee refunded within 4 days of demand, provided agency notified within 30 days.
			NOTE. — Failure of employer to notify agency that help has been obtained from another agency shall entitle said agency to retain or collect three fifths of regular fee.	
New York.	Filling position through second agency without notification to first agency, latter may retain or collect three fifths of fee.	2d class license: [1] not more than 10 per cent of first month's wage. 1st class license: not more than first week's wage or salary, unless employment is for at least one year at a yearly salary, when fee shall not exceed 5 per cent of first year's salary. Temporary employment, not more than one month, fee not to exceed 10 per cent of salary paid. [2]	If position does not exist: transportation costs and all fees within 3 days of demand. Allowing 3 days to determine failure to give employment or to furnish help: full amount of fee.	On demand full amount of fee, allowing 3 days to determine applicant's failure to secure employment or help. Failure to remain 1 week: new employee or three fifths of fee within 4 days of demand if made in 30 days. Employee discharged within 1 week, without fault: three fifths of fee or another position.

[1] For definition of first and second class license, see rules of licensing board, Boston, Massachusetts.
[2] For regulations as to fees charged applicants in theatrical employment agencies in New York, see N. Y. L. 1910, c. 700, sec. 185, par. 2.

CHART II. *Restrictions on Offices* — Continued.

FEES — *Con.*				LAW FORBIDS —	
UNLAWFUL.		RECEIPTS REQUIRED FOR —			
Any Fee other than Registration or Regular. Any Valuable Thing or Gift.	Collusion.	Registration Fee.	Regular Fee.	Location in or near —	Fraud, such as —
		Employee. Stating: Name. Fee. Date. Nature of work.		Places where intoxicating liquors are sold.	Use of fraudulent advertisements, misleading circulars, false representations.
Any valuable thing or gift, as a fee or in lieu thereof.	No division of fees with contractors or agents in their employ.		Employer. Employee. Stating: Name and address. Fee. Date. Kind of help.	Lodging houses or rooms used for living purposes. If licensee conducts lodging house for unemployed, it must be designated in license. Premises where intoxicating liquors are sold.	Sending to places of ill repute. Questionable characters frequenting agency. Violation of child labor law. Use of fraudulent advertisements, misleading circulars, false representations. Fraudulent replacement.
Any valuable thing or gift, as a fee or in lieu thereof.	Unlawful to divide or share fee with contractors or agents, foremen or any one in their employ, etc.		Employer. Employee. Stating: Name and address. Date. Kind of help. Fee. Purpose for which fee was paid.	In rooms used for living purposes, or where boarders or lodgers are kept or where meals are served, or where persons sleep, or in connection with a building or premises where intoxicating liquors are to be sold. Lodging house for unemployed. (See N. J.)	Sending to places of ill repute. Questionable characters frequenting agency. Violation of child labor law. Violation of compulsory education law. Use of fraudulent advertisements, misleading circulars, false representations. Fraudulent replacement.

CHART II. *Restrictions on Offices* — Continued.

STATE.[1]	FEES.			
			REFUND.	
	Registration.	Regular.	Position not furnished.	Position not accepted.
Ohio. F	Not more than $2.		No position within one month: full amount of fees on demand within 30 days.	
Oklahoma. F	Not more than $2.		No position within one month: full amount of fee on demand within 30 days.	
Pennsylvania.		Rates to be filed with director of public safety and duplicate posted in each room of agency. Good for one month. Temporary employment, *i.e.*, one month: 10 per cent of salary.	Full amount of fee, allowing reasonable time to determine failure to obtain help or employment. (See N. J.) Full amount of fee unless agent has tried to furnish position, when only 50 cents retained.	Failure of employer to notify agency that help has been procured by other means entitles licensee to retain entire fee.
Utah.	Unlawful (see unlawful fees, any valuable thing or gift).	Eight per cent of amount earned in first month (and not more than this if position is only for 1 month).	If through no fault of person he fails to secure position, all fees returned on demand.	

[1] Rhode Island, Tennessee, Wisconsin and Wyoming omitted from this

CHART II. *Restrictions on Offices* — Continued.

FEES — *Con.*				LAW FORBIDS —	
UNLAWFUL.		RECEIPTS REQUIRED FOR —			
Any Fee other than Registration or Regular. Any Valuable Thing or Gift.	Collusion.	Registration Fee.	Regular Fee.	Location in or near —	Fraud, such as —
		Employee. Stating: Name. Fee. Date. Nature of work.		Premises where intoxicating liquors are sold.	Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations.
		Employer. Employee. Stating: Name. Fee. Date. Nature of work.			Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations.
Any fee other than registration or regular. Any valuable thing or gift, as a fee, or in lieu thereof.	No division of fees with or paying commissions to persons to whom employees are sent.		Employer. Employee. Stating: Name and address. Fee and period for which good. Nature of work.	Places where intoxicating liquors are sold.	Sending to places of ill repute. Questionable characters frequenting agency. Violation of child labor law. Violation of compulsory education law. Use of fraudulent advertisements, misleading circulars, false representations.
Any money or other valuable consideration from any person prior to time employment actually furnished.	No division of fees with sub-contractors and employers of help.			Any place where intoxicating liquors are sold or dispensed.	Sending to places of ill repute. Use of fraudulent advertisements, misleading circulars, false representations.

chart because law contains no provision as to restrictions on offices.

CHART II. *Restrictions on Offices* — Concluded.

STATE.	FEES.			
			REFUND.	
	Registration.	Regular.	Position not furnished.	Position not accepted.
Virginia.			No position within specified or reasonable time: all fees except filing fee of $1.	
District of Columbia.	$2 from employer. $1 from employee.	$2 in advance from employer, good for 30 days' service or new employee. $1 from employee. If $25 a month or more received by employee, shall pay an additional fee of $1.	No position after 15 days: one half registration fee on demand. No vacancy where applicant is directed: whole fee and transportation expenses within 4 days of demand.	

CHART II. *Restrictions on Offices* — Concluded.

FEES — *Con.*				LAW FORBIDS —	
UNLAWFUL.		RECEIPTS REQUIRED FOR —			
Any Fee other than Registration or Regular. Any Valuable Thing or Gift.	Collusion.	Registration Fee.	Regular Fee.	Location in or near —	Fraud, such as —
	No division of fee with employer.	Employee. Stating fee.			
Any fee other than registration or regular fee.	No division of fees with contractor or agents or other employers.	Employer. Employee. Stating: Kind of help.	Employer. Employee. Stating: Name. Date. Fee.	Where intoxicating liquors are sold. If licensee conducts lodging house in addition, must be so designated in license. Not located in living rooms, or where boarders or lodgers are kept.	Sending to places of ill repute. Questionable characters frequenting agency. Violation of child labor law. Violation of compulsory education law. Fraudulent advertisements, misleading circulars, false representations. Fraudulent replacement.

CHART III. *Enforcement of Laws.*[1]

[NOTE. — F means that states so marked have a free employment agency.]

STATE.[2]	CHIEF OFFICIALS.		
	Name.	Appointment, Term, Qualifications and Salary.	Powers.
California.	Commissioner of Bureau of Labor Statistics.	Appointment: By governor (act 1828 of laws of 1909, regulating Bureau of Labor Statistics). Term: 4 years. Salary: $3,000.	All powers and authority of sheriff to make arrest of violators of this act. Revoke licenses.
Colorado. F	Deputy commissioner of labor.		Bring action on bond for violation. Revoke license upon full hearing. Institute criminal proceedings for enforcement.
Connecticut. F	Commissioner of Bureau of Labor Statistics.	Appointment: By governor (R. S. 1902, tit. 46, c. 258). Term: 4 years.	Cause action on bond for violations of its conditions. Revoke licenses when in his judgment person licensed violates provisions of law.
Illinois. F	Commissioner of labor and chief inspector of private employment agencies.	Appointment: Chief inspector, by governor on recommendation of Commissioner of labor. Term: During term of governor. Salary: Chief inspector, $3,600. Assistant inspector, $1,500.	To institute criminal proceedings for enforcement of penalties before any tribunal of competent jurisdiction. To appoint assistant inspectors (1 for 50 agencies). To issue and revoke licenses. To execute and serve all warrants and processes of law issued by any justice of peace, etc. May arrest on view and without warrant any person detected actually violating provisions of act.

[1] For references, see each state under Chart I.

[2] Penalties provided by the law of Idaho are,

1. For any fraud: Sue for recovery of damages from court of competent jurisdiction.

CHART III. *Enforcement of Laws.*

PENALTIES.				
Fraud (see I–VI under Fraud — Chart II, Footnote). Immoral, Fraudulent Conduct.	Violations of Any Provision of Act.	Non-Licensing.	Unlawful Fees.	Any Good Cause. Misstatement for License.
Fraud V: Refund of fees.	Revocation of license. Fine not more than $500, or imprisonment for 6 months, or both. License forfeited if transferred.	See under violations of any provision of act.		
	Revocation of license. Fine not less than $100 nor more than $200 or imprisonment for not more than 6 months, or both. Not more than $300 and revocation of license for: Giving false information. Failure to keep registers. False entries. R. C. Supp., 1901–1905, § 1738.	See violation of provisions.		Collusion: sum not less than $100. License forfeited, R. C. Supp., 1901–1905, § 1737.
Fraud I and V: Fine not more than $100. False entries in register.	Revocation of license. Fine not more than $100.			
Fraud I, II, III, V: Fine not less than $50, or more than $200, or county jail 1 year, or both, and revocation of license. Immoral or illegal conduct: Revocation of license, after due notice to licensee and opportunity given for defence.	Fine not more than $25: in default of payment, county jail for not more than 30 days (except non-licensing).	Not less than $50 or more than $250, or imprisonment 6 months or both.		For any good cause: revocation of license. (Not to take effect within 7 days.)

2. For violation of any provision of the act: fine not more than $300 nor less than $100, and imprisonment 30 to 90 days.

CHART III. *Enforcement of Laws* — Continued.

STATE.[1]	CHIEF OFFICIALS.		
	Name.	Appointment, Term, Qualifications and Salary.	Powers.
Indiana. F	Chief of Bureau of Labor Statistics.		Cause action on bond of licensee. Revoke license upon hearing. Enforce act and institute criminal or civil proceedings. (Fee $10 to chief by any one convicted.)
Iowa.	Commissioner of Bureau of Labor Statistics or deputy.	Appointment: By governor. Term: 2 years. (See laws governing Bureau of Labor Statistics.) Qualifications: Bond $2,000 with sureties. (This is not included in law regulating employment offices.)	Investigate complaints. Examine records. File information against corporations.
Louisiana.			
Maine.	Municipal officers.		To revoke license.

[1] Laws of Kansas and Maryland contain no provisions as to enforcement of laws.

CHART III. *Enforcement of Laws* — Continued.

	PENALTIES.			
Fraud (see I–VI under Fraud — Chart II, Footnote). Immoral, Fraudulent Conduct.	Violations of Any Provision of Act.	Non-Licensing.	Unlawful Fees.	Any Good Cause. Misstatement for License.
Fraud I, V, VI: Forfeiture of license.	Revocation of license. Action brought on bond. Fine not more than $100 or less than $50, and imprisonment not more than 6 months. Prosecution by attorney-general. Fees to chief of bureau to make fund for execution of law or maintenance of free employment bureau.			
	Fine not more than $100 or imprisonment not more than 30 days. Same penalty for refusal of access to books to proper persons.			
Any one damaged by fraud or misrepresentation may sue before court of competent jurisdiction.	Fine $25 or imprisonment for not more than 30 days or both.			
	Revocation of license, in judgment of licensing power, after hearing. Fine not less than $10. Fine not more than $100.			

CHART III. *Enforcement of Laws* — Continued.

STATE.[1]	CHIEF OFFICIALS.		
	Name.	Appointment, Term, Qualifications and Salary.	Powers.
Massachusetts.	Mayor and aldermen of any city except Boston. In Boston: Licensing board. Selectmen of town.		Grant licenses. Revoke licenses at pleasure.
Minnesota.			
Missouri.	Commissioner of Bureau of Labor Statistics or deputy, agent or assistants.		To hold all money from fees or fines. To institute criminal proceedings. To commence action on bond. To revoke license upon full hearing.
New Hampshire.	Mayor and aldermen of city. Selectmen of town.		Revoke license at pleasure.
New Jersey.	Police department where there are no licensed inspectors. Mayor.	Appointment: Where licensed inspectors, appointed by chief of police. Qualifications: No other occupations or duties.	See that law is complied with. Inspectors, bimonthly visits to each agency. Refuse to issue or revoke licenses for any good cause shown.

[1] Law of Montana contains no provision for penalties.

CHART III. *Enforcement of Laws* — Continued.

PENALTIES.				
Fraud (see I–VI under Fraud — Chart II, Footnote). Immoral, Fraudulent Conduct.	Violations of Any Provision of Act.	Non-Licensing.	Unlawful Fees.	Any Good Cause. Misstatement for License.
Fraud I: Fine not more than $300 nor less than $50, or by imprisonment not less than 3 months nor more than 2 years.	Violation of provisions: As to acceptance of fee when no employment given. Failure to refund. Failure to reprint §§ 25–28. Penalty: Revocation of license or fine not less than $25 nor more than $50.	$10 for every day not licensed.		For any good cause: revocation of license.
Person sustaining fraud may sue on bond for payment of all damages.	Guilty of a misdemeanor in §§ 1825–1826, as amended.	Guilty of a misdemeanor.		Failure to keep proper register or to furnish proper cards to employer is a misdemeanor.
	Revocation of license upon full hearing. Fine not less than $50 and not more than $100, or imprisonment for not more than 6 months, or both.			
		$10 each day without license.		
Fraud I, II, III, V: Not less than $50 nor more than $250, or imprisonment for not more than 1 year, or both. Immoral or fraudulent conduct: revocation of license.	Not more than $25 for violation of any provisions except those relative to fraud and non-licensing.	Fine not less than $50 nor more than $250, or imprisonment not more than 1 year, or both.		May revoke license or refuse to issue.

CHART III. *Enforcement of Laws* — Continued.

STATE.	CHIEF OFFICIALS.		
	Name.	Appointment, Term, Qualifications and Salary.	Powers.
New York.	Cities 1st class with population 300,000 or more: Commissioner of licenses, deputy commissioner, inspectors. Cities 2d and 3d, also 1st class, with population less than 300,000: Mayor or officer appointed by him.	Appointment: In cities of 1st class: Commissioner of licenses, by mayor. Deputy commissioner, by commissioner of licenses. Inspectors, by commissioner of licenses. Qualifications: No other business in case of all enforcing officers in cities of first class. Salary: Fixed by board of estimate and apportionment.	Cities, 1st class: To appoint deputy commissioner and inspectors. May refuse to issue and shall revoke[1] license for any good cause shown or immoral, fraudulent or illegal conduct.[2] Institute criminal proceedings before court of competent jurisdiction. Inspectors shall make bimonthly visits to all agencies. Shall wear suitable badges and shall see provisions of law are complied with.
Ohio. F	Commissioner of Labor.	Salary: $3,000 (see L. 1909, p. 34).	Cause action on bond for violation of conditions. Revoke license upon full hearing. Institute criminal proceedings.
Oklahoma.	Commissioner of Labor.		To institute criminal proceedings. Cause action for any violation of conditions. Revoke upon full hearing any license, whenever licensee has violated provisions of act. At end of each quarter make account of all money received by fees or fines.
Pennsylvania.	Director of public safety (cities, 1st and 2d class), and deputy, 1 or more inspectors.	Appointment: Deputy commissioner and inspectors by director of public safety. Qualifications: Deputy to have powers of director of public safety. Must have no other business. Salary: Determined by councils of city.	Refuse to issue or revoke license. Inspector to visit each agency once in 2 months and report to director of public safety. Director and deputy: receive and act on complaints.

[1] Refusal to issue and revocation of license are subject to review on writ of certiorari. Due notice shall be given applicant in all cases.

[2] In absence of the commissioner of licenses, the deputy commissioner may conduct hearings, act upon applications for licenses and revoke such licenses.

CHART III. *Enforcement of Laws* — Continued.

PENALTIES.				
Fraud (see I–VI under Fraud — Chart II, Footnote). Immoral, Fraudulent Conduct.	Violations of Any Provision of Act.	Non-Licensing.	Unlawful Fees.	Any Good Cause. Misstatement for License.
Fraud I, II, III, IV: Fine not less than $25 nor more than $250, or imprisonment of not more than 1 year, or both.	Except for non-licensing and fraud, fine not more than $25, or imprisonment for non payment of fine, not less than 30 days.	Fine not less than $25 nor more than $250, or by imprisonment not more than 1 year, or both, at discretion of court.	For specific penalty for taking unlawful fees, see penalty for non-licensing. Additional clause: "and the mayor or commissioner of licenses shall forthwith cancel and revoke license of such person."	
	Revocation of license. Fine not less than $50, nor more than $100, or imprisonment not more than 6 months, or both.			
Fraud I: Fine not less than $1,000, nor more than $5,000, and imprisonment not less than 2 years nor more than 10 years.	Revocation of license. Fine not less than $50, nor more than $100, or imprisonment not more than 6 months, or both.			
Immoral or fraudulent conduct: Revocation of licenses.	Revocation of license. Fine not more than $100, or imprisonment not more than 1 year, or both.	Fine not less than $50, nor more than $500, or imprisonment not more than 1 year, or both.		Misstatement in application for license: fine $25 for each misstatement. For any good cause: revocation of license at pleasure of town council.

CHART III. *Enforcement of Laws* — Concluded.

STATE.[1]	CHIEF OFFICIALS.		
	Name.	Appointment, Term, Qualifications and Salary.	Powers.
Rhode Island.	Town council.		Revoke license at pleasure.
Utah.	City council; board of county commissioners.		May refuse or grant licenses.
Virginia.			
Wisconsin.			
District of Columbia.	Commissioners of the District of Columbia.		Reject any applicant for license and revoke license for violation of or non-compliance with any provision of act. Cause corporation council to institute criminal proceedings for enforcement before court of competent jurisdiction. May refuse to issue and shall revoke for any good cause shown.

[1] Laws of Tennessee and Wyoming contain no provisions as to enforcement of the laws.

CHART III. *Enforcement of Laws* — Concluded.

PENALTIES.				
Fraud (see I–VI under Fraud — Chart II, Footnote). Immoral, Fraudulent Conduct.	Violations of Any Provision of Act.	Non-Licensing.	Unlawful Fees.	Any Good Cause. Misstatement for License.
		$10 each day such office is kept.		Any good cause: revocation of license at pleasure of town council.
Fraud I: Fine not less than $100 and imprisonment not less than 90 days, on conviction, license rescinded. Fraud V: See under violations of any provision of act.	Fine not more than $100 and revocation of license on conviction for: collusion, misrepresentation, false entries, failure to keep register.		See violation of any provision of act.	Failure to provide work as per employment contract: agency liable to fine not more than $100 and revocation of license.
	Fine not over $100 or imprisonment for 30 days or both for refusing access to records by Commissioner of Labor or for violation of the law.	Fine not less than $100 nor more than $500.		
Employee may institute and recover damages from bond and costs. (Does not apply to agencies conducted by women for securing employment for women only.)		Not more than $100, or imprisonment in county jail not more than 90 days, or both.		
Fraud I and II: Fine not more than $100, and, in default, imprisonment in workhouse for not more than 1 year, or both.	Revocation of license.			

ABSTRACT OF THE LAWS SHOWING DETAILS OF PROCEDURE, SUPPLEMENTARY TO CHARTS

I. LICENSE.

A. *Application for license.*

The only law which makes detailed provisions in reference to what the procedure shall be upon the submission of an application for a license for an employment agency is the New York law. This law provides that the application for the license shall be received by the granting power.[1] Provision is made by the law as to the posting of the application in a public place, specific mention being made that the application as well as the license shall contain accurate information as to the name and address of the applicant, and the street and number where the agency is to be located.[2] Further, the New York law provides that an investigation of the character and responsibility of the applicant shall be made by the mayor or commissioner, also that due examination of the premises proposed for the agency shall be made by said officers. In case of protest as to the granting of said application, due hearing is to be given by the granting power, proper notice of at least five days having been given the applicant. The power to grant or withhold the license rests with the granting power, but all applications must be acted on within thirty days of filing.

B. *Provisions which the license shall contain.*

In the following states: New York, Pennsylvania, Illinois, New Jersey, California, New Hampshire, Wyoming, District of Columbia, Colorado, Connecticut, Indiana, Missouri, Ohio, Oklahoma, Wisconsin, and Wyoming the law requires one or more[3] of these provisions to be contained in the license: Name of licensee, name of city, street, number of house,[4] number of license, date when the license is granted, the designation of whether a lodging house for the unemployed be kept separate

[1] The law of the District of Columbia also contains this provision.

[2] This information is also called for in the law for the District of Columbia.

[3] New York contains all the provisions and Pennsylvania, Illinois and New Jersey contain five of the provisions.

[4] In the District of Columbia the license shall designate the floor of the house in which the person is authorised to conduct such employment agency.

from the agency, a statement of the business or occupation engaged in by the applicant for at least two years immediately preceding the date of application.

C. *Regulations as to transfer or change of location.*

The New York law is the only law which makes careful stipulation as to how the transfer of a license may be made or a change of location effected. The transfer[1] can be made only on consent of the mayor or license commissioner, application for said transfer having been made in accordance with the same form as that prescribed for an application for a license. The consent of the granting power is also necessary for any change in the location of an agency, and any such change in location must be indorsed upon the license.

D. *Regulation as to posting.*

Application. The New York law provides that the mayor or commissioner of licenses shall upon receipt of an application for a license post in a conspicuous place in his public office the name and address of the applicant, the street and number of the place where the agency is to be conducted.

License. New York,[2] Pennsylvania, New Jersey, California, Colorado, Indiana, Maine, Ohio, Oklahoma, Utah and District of Columbia contain one or more of the following provisions as to the posting of license: Copies of the license shall be posted in each room of agency; copies of the license to be printed in such languages as to be intelligible to patrons of the office; copies of the license in New York to contain a reprint of sections 178, 180, 181, 182, 183, 185, 186, 187, 189; all copies of the license to contain the name and address of the enforcing office.

E. *Time within which licensee is to be notified of issuance of license.*

Utah provides that notification of the issuance of the license must be given by the granting power within one week.

F. *Term for which the license is granted.*

In general the length of the term for which the license is granted is one year, but the date on which the license is to expire is variously stated in the laws as follows: 31st of March next ensuing; first day of May, or first Tuesday of May next ensuing date thereof; first day of October, and one year from the date thereof.

[1] For the special provisions of the statute law in New York, binding upon the transfer of a license, see N. Y. Law, 1910, ch. 700, secs. 173, 174.

[2] New York is the only state to contain all the provisions.

New York, Pennsylvania, Illinois, California, Maine, Wisconsin and District of Columbia provide in one of the above ways for a limit to the term of the license.

G. *Protests against issuance or transfer of license.*

The New York law provides that any person may file within one week after posting of application in said office, a written protest against the issuance of such license, the protest to be signed by the person filing the same or his authorized agent or attorney and shall state the reasons why the license shall not be granted.

H. *Revocation of license.*

New York contains all three of the following provisions; Pennsylvania, New Jersey, two out of the three and provisions as to the revocation of the license; Illinois only the one as to the *certiorari*.

In case of revocation the licensee shall be given opportunity for defence; the decision to retake the license shall be subject to review on writ of *certiorari;* revocation of license prevents a renewal of the license.[1]

II. Bond.

A. *Conditioned that obligor will not violate any provision of the act.*

The laws of New York, Pennsylvania, Louisiana and Missouri contain this provision in one form or another.

B. *Action on bond may be maintained by person in own name, etc., after unsatisfactory judgment previously.*

The laws of New York, District of Columbia, Pennsylvania, Illinois, Utah and Wisconsin make this provision.

C. *Disposition of money received under this act.*

Three states, Colorado, Ohio and Oklahoma provide that all money received from fines, etc., shall constitute a fund for the purpose of enforcing the provisions of the act and the commissioner of labor or his deputy shall make a report concerning said fund and pay balance into the state treasury. In California the provision is that all sums received shall be paid into the state treasury and credited to the contingent fund of the bureau of labor statistics; whereas in Wyoming the sheriff collects all moneys and is obliged to pay the same into the county treasury within fifteen days.

[1] In New York this applies to the licensed person or his representatives, or to any person with whom he is to be associated in the employment business.

III. LOCATION OF EMPLOYMENT AGENCY FORBIDDEN.

Location of an employment agency in living rooms, where boarders or lodgers are kept, where meals are served, where people sleep, where liquors are sold to be consumed on the premises, excepting cafés or restaurants in office buildings, is forbidden by law in New York. Pennsylvania, Utah and New Jersey boards contain the provision as to location[1] where liquors are sold.

IV. REGISTERS.

The laws of New York, New Jersey, Pennsylvania, Illinois and District of Columbia contain one or more of the following provisions as to registers.

The form of the register must be approved by the mayor[2] or commissioner of licenses; entries in the registers shall be in the English language; agencies shall be exempt from keeping registers as follows: theatrical agencies, or agencies for the employment of vaudeville performances or nurses' registers, or agencies for procuring of technical, clerical, sales, or executive positions for men only, teachers' agencies, agencies for the employment of vaudeville performances; all agencies exempt from keeping registers shall keep accurate records in the English language of all employees and employers, with date, fee and rate of wages.

V. INSPECTION.

New York, Illinois[3] and New Jersey contain one or more of the following provisions as to inspection:

The inspector is to wear a badge which shall be displayed on demand; the inspector is to see that all provisions of the act are complied with; agencies which are exempt from keeping registers are also exempt from inspection.

VI. REGULATIONS AS TO CONDUCT OF BUSINESS.

A. *References.*

New York, New Jersey and Illinois make one or more of the following provisions as to references:

[1] N. Y. Law contains all the provisions.

[2] In New York the stipulation is made that no licensed person shall send out any female applicant for employment without making a reasonable effort to investigate the character of the employer.

[3] In Illinois, the chief inspector shall furnish a bond payable to the state of Illinois in the sum of $5,000, said bond to be approved by the governor and filed with the secretary of state.

Verification of references shall be made orally or in writing; such verification may be voluntarily waived in writing by the employee; all references are to be kept on file.

B. *Receipts.*

New York, Pennsylvania, Illinois and Connecticut make one or more of the following provisions:

Receipts must be given to every applicant for employment from whom a fee is accepted; on the receipts there shall be a reprint in the English language of those sections relative to receipts, or certain specified sections.

C. *Card.*

Pennsylvania provides that a card containing certain specified information (see Chart III) shall be given to every applicant for domestic or commercial employment.

D. *Employment contract.*

New York,[1] Pennsylvania and New Jersey contain provisions as to the employment contract. A duplicate copy of the employment contract is to be given to each employer in a language which he can understand whenever one or more persons are to be sent as laborers outside the city.

E. *Bona fide order for employment.*

New Jersey, New York, Pennsylvania and Utah[2] stipulate that the licensee shall not send out employees for employment without having obtained either orally or in writing a bona fide order therefor.

F. *Advertisements.*

New York, Pennsylvania and Indiana make one or more of the following provisions as to advertisements. All false, misleading or fraudulent advertisements or information are prohibited; all advertisements of such agency by means of cards, circulars or signs and in newspapers and other publications, and all letterheads, receipts and blanks shall be printed and contain the licensed name and address of such employment agent and the word agency.

[1] For regulations regarding employment contract in theatrical employment agency, see N. Y. Law, 1910, ch. 700, sec. 183.

[2] Upon conviction thereof for each and every offence a penalty not exceeding $100 or forfeiture of license, in discretion of the trial judge, shall be imposed (see Chart, penalties, violation of any provision of the act).

VII. REGULATIONS AS TO PRESENTING AND HEARING OF COMPLAINTS.

A. *Complaint to be presented to whom.*

New York, Pennsylvania, Illinois, New Jersey and District of Columbia provide that the complaint shall be presented to the officer entrusted with the enforcement of the law, either orally or in writing.

B. *Time within which notice shall be given.*

New York, Pennsylvania, New Jersey and District of Columbia provide that reasonable notice, defined in New York and District of Columbia as not less than one day, shall be given.

C. *State of complaint, how made.*

New York and District of Columbia provide that it shall be made by serving upon the licensed person a concise statement of the facts constituting the complaint; New Jersey simply that the statement shall be made in writing.

D. *Manner of hearing the complaint.*

Laws of New York, Pennsylvania, Illinois, New Jersey and District of Columbia make some provision as to the manner of hearing a complaint. The complaint is to be heard by the enforcing officer; the time within which the hearing is to take place varying from three days to not more than one week.

E. *Calendar of all hearings to be kept and posted in public office of the licensing power.*

New York, Illinois, New Jersey, Pennsylvania and District of Columbia make a provision similar to the above.

F. *Time within which decision in the hearing shall be rendered.*

New York, Illinois, New Jersey and District of Columbia all agree that the decision must be rendered within eight days from the time the matter is finally submitted.

G. *Record of complaints to be kept.*

Laws of New York, Pennsylvania, New Jersey and District of Columbia stipulate that such records shall be kept. New York and District of Columbia that they shall be kept by the enforcing officers.

VIII. Execution of penalties.

New York and Pennsylvania provide that penalty for violation of any provision of the act shall be executed by any city magistrate, police justice, justice of peace, or any inferior magistrate having original jurisdiction in criminal cases.

IX. Definition of terms.

The laws of New York, Pennsylvania, New Jersey, Connecticut, Maine, District of Columbia, Illinois, California, Colorado, Indiana, Ohio, Oklahoma, Utah, Wisconsin and Virginia include definitions of one or more of the following terms: person, employment agency, employment agent, fee, privilege, application for employment, application for help, employment or help, theatrical engagement, emergency engagement.

X. Invalidity of act.

Illinois. Should one or more provisions of this act be held invalid, such invalidity shall in no manner affect any of the valid provisions hereof.

XI. Prohibition of use of sign "Free Employment Agency" by private agencies.

Colorado, Indiana, Ohio and Oklahoma.

XII. Application of article.

New York. This article shall apply to all cities of the state, except the provisions hereof relating to domestic and commercial employment agencies shall not apply to cities of third class. This article does not apply to employment agencies which procure employment for persons as teachers, exclusively, or employment of persons in technical or executive positions in recognized educational institutions; to registries conducted by duly incorporated associations of registered nurses; and employment bureaus conducted by registered medical institutions or duly incorporated hospitals. Nor does such article apply to departments or bureaus maintained by persons for the purpose of securing help or employees, where no fee is charged.

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